

## UKRAINE 2018 HUMAN RIGHTS REPORT

*Note: Except where otherwise noted, references in this report do not include areas controlled by Russia-led forces in the Donbas region of eastern Ukraine or Russian-occupied Crimea. At the end of this report is a section listing abuses in Russian-occupied Crimea.*

### EXECUTIVE SUMMARY

Ukraine is a republic with a semi-presidential political system composed of three branches of government: a unicameral legislature (Verkhovna Rada); an executive led by a directly elected president who is head of state and commander in chief, and a prime minister who is chosen through a legislative majority and as head of government leads the Cabinet of Ministers; and a judiciary. The country held presidential and legislative elections in 2014; international and domestic observers considered both elections free and fair.

Civilian authorities generally maintained effective control over security forces in the territory controlled by the government.

Following the Russian Federation's November 25 attack on and seizure of Ukrainian ships and crewmembers in the Black Sea near the Kerch Strait, the country instituted martial law for a period of 30 days in 10 oblasts bordering areas in which Russian forces are located. Martial law expired December 27 with no reports of rights having been restricted during the time.

Human rights issues included: civilian casualties, enforced disappearances, torture, and other abuses committed in the context of the Russia-induced and -fueled conflict in the Donbas region; abuse of detainees by law enforcement; harsh and life-threatening conditions in prisons and detention centers; arbitrary arrest and detention; censorship; blocking of websites; refoulement; the government's increasing failure to hold accountable perpetrators of violence against activists, journalists, ethnic minorities, and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; widespread government corruption; and worst forms of child labor.

The government generally failed to take adequate steps to prosecute or punish most officials who committed abuses, resulting in a climate of impunity. Human rights groups and the United Nations noted significant deficiencies in investigations into alleged human rights abuses committed by government security forces, in

particular into allegations of torture, enforced disappearances, arbitrary detention, and other abuses reportedly committed by the Security Service of Ukraine (SBU). The perpetrators of the 2014 Euromaidan shootings in Kyiv had not been held to account.

Russia-led forces in the Donbas region engaged in: enforced disappearances, torture, and unlawful detention; committed gender-based violence; interfered with freedom of expression, including of the press, peaceful assembly, and association; restricted movement across the line of contact in eastern Ukraine; and unduly restricted humanitarian aid.

Human rights issues in Russian-occupied Crimea included: politically motivated disappearances; torture and abuse of detainees to extract confessions and punish persons resisting the occupation; politically motivated imprisonment; and interference with the freedoms of expression, including of the press, and assembly and association. Crimea occupation authorities intensified violence and harassment of Crimean Tatars and pro-Ukrainian activists in response to peaceful opposition to Russian occupation (see Crimea sub-report).

Investigations into alleged human rights abuses related to Russia's occupation of Crimea and the continuing aggression in the Donbas region remained incomplete due to lack of government control in those territories and the refusal of Russia and Russia-led forces to investigate abuse allegations.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There was at least one report that the government or its agents committed possible arbitrary or unlawful killings.

Human rights organizations and media outlets reported deaths in prisons or detention centers due to torture or negligence by police or prison officers (see section 1.c., Prison and Detention Center Conditions). For example on September 2, a detainee who was being held alone in a cell was found dead in Lukyanivske pretrial facility in Kyiv. According to the forensic examination, the cause of death was damage to the internal organs. Police opened a murder investigation.

There were civilian casualties in connection with the conflict in Luhansk and Donetsk Oblasts between government and Russia-led forces (see section 1.g.).

There were reports of politically motivated killings by nongovernment actors, and in one case with the alleged involvement of a parliamentary aide. For example, on July 31, an unknown person poured concentrated sulfuric acid on public activist and advisor to the Kherson city mayor, Kateryna Handzyuk, resulting in serious chemical burns to over a third of her body. Handzyuk died of her injuries on November 4. Police at first opened a criminal investigation for “hooliganism.” They later requalified the attack as “causing severe bodily harm,” and then changed it to “attempted murder.” In August authorities arrested five suspects. In November authorities arrested a sixth individual, Ihor Pavlovsky, who at the time of the attack was an assistant to Mykola Palamarchuk, member of parliament for Bloc Petro Poroshenko. Human rights groups believed that the men arrested were credibly connected to the attack but criticized authorities for not identifying the individuals who ordered the attack. On November 6, parliament formed an interim parliamentary commission to investigate the murder of Handzyuk and attacks on other activists. Activists and media questioned the committee’s ability to impartially and effectively investigate or resolve the attacks because of the alleged political connections of some committee members.

On January 2, the body of lawyer Iryna Nozdrovskva was found in a river in Kyiv Oblast with stab wounds and other signs of a violent death. Nozdrovskva had criticized law enforcement and court authorities while pursuing justice for her sister, who had been hit and killed in 2015 by a car driven by an intoxicated driver, Dmytro Rossoshanskiy, who was the nephew of a powerful local judge. On January 8, authorities arrested Yuriy Rossoshanskiy, the father of Dmytro, and charged him with murdering Nozdrovskva. Yuriy and Dmytro Rossoshanskiy were reported to have previously threatened Nozdrovskva and her mother in retaliation for their support of the case against Dmytro. Authorities referred the case for trial on August 15. Media and civil society widely criticized a lack of transparency in the investigation and noted that many questions remain unanswered about the case, including the possibility that there were other assailants involved in the killing.

Authorities made no arrests during the year in connection with the 2016 killing of prominent Belarusian-Russian journalist Pavel Sheremet. On August 2, Sheremet’s widow filed a lawsuit against the prosecutor general, alleging inaction by his office on the case. Human rights and press freedom watchdog groups expressed concern about the lack of progress in the government’s investigation, suggesting high-level obstruction or investigatory incompetence as potential

reasons. Independent journalistic investigations of the killing released in May 2017 uncovered significant evidence that investigators had apparently overlooked. President Poroshenko expressed dissatisfaction with the progress of the investigation in February during a press conference.

Law enforcement agencies continued to investigate killings and other crimes committed during the Euromaidan protests in Kyiv in 2013-14. The Office of the United Nations High Commissioner for Human Rights Monitoring Mission in Ukraine (HRMMU) noted some progress in the investigation of the killings of protesters. Human rights groups criticized the low number of convictions despite the existence of considerable evidence. According to the Prosecutor General's Office, as of late November, 279 persons had been indicted and 52 had been found guilty.

The HRMMU noted there was limited progress in the investigation and legal proceedings connected to a 2014 trade union building fire in Odesa that stemmed from violent clashes between pro-Russian and Ukrainian unity demonstrators. During the clashes and fire, 48 persons died, including six pro-Ukraine and 42 pro-Russia individuals. On May 30, an indictment against the former heads of the Odesa city police and the city public security department for "abuse of authority or office" was submitted to the Prymorsky district court in Odesa. The trial against the head of the Odesa Oblast police on charges of abuse of authority, forgery, and dereliction of duty in protecting people from danger continued. Observers noted that appeal proceedings challenging the September 2017 acquittal by the Chornomorsk court in Odesa Oblast of 19 defendants in the 2014 trade union building fire case due to lack of evidence appeared to be stalled.

## **b. Disappearance**

There were multiple reports of politically motivated disappearances in connection with the conflict between the government and Russia-led forces in the Donbas region (see section 1.g.).

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Although the constitution and law prohibit torture and other cruel and unusual punishment, there were reports that law enforcement authorities engaged in such abuse. While courts cannot legally use as evidence in court proceedings confessions and statements made under duress to police by persons in custody,

there were reports that police and other law enforcement officials abused and, at times, tortured persons in custody to obtain confessions.

In the Donbas region, there were reports that government and progovernment forces at times committed abuses, including torture, against individuals detained on national security grounds. There were reports that Russia-led forces in the so-called “people’s republics” of Donetsk and Luhansk systematically committed numerous abuses, including torture, to maintain control or for personal financial gain. According to international organizations and nongovernmental organizations (NGOs), abuses included beatings, forced labor, psychological and physical torture, public humiliation, and sexual violence (see section 1.g.).

Abuse of prisoners and detainees by police remained a widespread problem. In its report on the seventh periodic visit to the country, published on September 6, the Council of Europe’s Committee for the Prevention of Torture (CPT) expressed concern over a considerable number of recent and credible allegations from detained persons regarding excessive use of force by police and physical abuse aimed at obtaining additional information or extracting a confession.

In a report released on June 8 on his visit to the country, the UN special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (UN SRT) stated that, according to victims he had interviewed, during interrogations “police forces reportedly resorted to kicking and beating, used suffocation techniques, most notably by placing plastic bags over the head, suspension and prolonged stress position. Numerous inmates also reported having been electrocuted and, in some cases, subjected to mock executions. Several detainees showed signs of depression and post-traumatic stress disorder and some still displayed visible marks of mistreatment and torture. Others reported having been subjected to techniques of torture specifically designed to leave no marks.” On February 26, in Odesa Oblast, two patrol police detained and allegedly beat motorist Serhiy Grazhdan, claiming that he was driving drunk. According to press reports, police threw Grazhdan to the ground, handcuffed him, and beat him until he lost consciousness. When Grazhdan’s wife attempted to intervene, police threatened her with a gun. Grazhdan was taken to the hospital in critical condition. Police opened two investigations--one into the actions of the police officers and another into allegations that Grazhdan insulted and inflicted minor injuries on one of the arresting officers.

There were reports of sexual violence being committed in the context of the conflict in eastern Ukraine (see section 1.g.).

## **Prison and Detention Center Conditions**

Prison and detention center conditions remained poor, did not meet international standards, and at times posed a serious threat to the life and health of prisoners. Physical abuse, lack of proper medical care and nutrition, poor sanitation, and lack of adequate light were persistent problems.

Physical Conditions: Overcrowding was a problem in some pretrial detention facilities. While authorities generally held adults and juveniles in separate facilities, there were reports that juveniles and adults were often not separated in some pretrial detention facilities, a concern emphasized in the June 8 UN SRT report.

Physical abuse by guards was a problem. For example on June 8, staff of the Chernivtsi pretrial facility brutally beat detainees, one of whom was hospitalized in the intensive care unit of the local hospital as a result. According to the detainees' relatives, staff allegedly beat detainees while they were handcuffed, and humiliated them by making them squat and crawl. The administration of the remand facility claimed they were attempting to put down a riot. The local prosecutor's office conducted an investigation of the incident, which concluded that prison staff had not exceeded their authority.

There were reports of prisoner-on-prisoner violence. The CPT noted that inter-prisoner violence was a problem in all but one of the establishments it visited. For example, on August 18, staff of the Lukyanivske penitentiary facility found a 34-year-old inmate who had been beaten to death by his cellmate.

Conditions in police temporary detention facilities and pretrial detention facilities were harsher than in low- and medium-security prisons. Temporary detention facilities often had insect and rodent infestations and lacked adequate sanitation and medical facilities. The CPT expressed concern that prisoners in pretrial detention were generally not offered any out-of-cell activities other than outdoor exercise for an hour per day in small yards.

The quality of food in prisons was generally poor. According to the June report of the UN SRT, inmates received three meals a day, although in most places the food was described as "inedible," leading inmates to rely on supplementary food they received through parcels from family. According to CPT, in some pretrial detention centers, detainees did not have consistent access to food and water.

According to UN SRT, most hygienic products including toilet paper, soap, and feminine hygiene products were not provided and detainees relied on supplies provided by family or donated by humanitarian organizations. In some facilities, cells had limited access to daylight and were not properly heated or ventilated.

UN and other international monitors documented systemic problems with the provision of medical care. The CPT observed a lack of medical confidentiality, poor recording of injuries, and deficient access to specialists, including gynecological and psychiatric care. There was a shortage of all kinds of medications with an over-reliance on prisoners and their families to provide most of the medicines. Conditions in prison healthcare facilities were poor and unhygienic. Bureaucratic and financial impediments prevented the prompt transfer of inmates to city hospitals, resulting in their prolonged suffering, and delayed diagnoses and treatment.

As of February more than 9,000 detainees were in Russia-controlled territory. On February 7, under the auspices of the Ombudsman's Office, 20 prisoners incarcerated in Russia-controlled territory were transferred to penal facilities on government-controlled territory. Since 2015 a total of 198 inmates had been transferred to the penitentiary facilities in government-controlled areas.

The condition of prison facilities and places of unofficial detention in Russia-controlled areas continued to deteriorate. According to the Justice for Peace coalition, there was an extensive network of unofficial places of detention in the Donetsk and Luhansk Oblasts located in basements, sewage wells, garages, and industrial enterprises. In most cases, these places were not suitable for even short-term detention. There were reports of severe shortages of food, water, heat, sanitation, and proper medical care. The HRMMU was denied access to detainees in the Russia-controlled territory of the so-called "Donetsk People's Republic (DPR)" and "Luhansk People's Republic (LPR)." The lack of access to detainees raised concerns about the conditions of detention and treatment. The UN SPT was granted access to places of detention in the "DPR" and "LPR," but this was limited to preselected sites and he was unable to conduct confidential interviews with detainees. The UN SPT indicated that these restrictions did not allow him to fulfill his mandate in this part of Ukraine. Based upon his limited observations of official detention facilities in the "DPR," he reported that healthcare appeared to be restricted, the quality of the food was reported to be unacceptable, and ventilation and sanitation appeared very poor. The East Human Rights Group continued to report systemic abuses against prisoners in the "LPR," such as torture, starvation, denial of medical care, and solitary confinement as well as the extensive use of

prisoners as slave labor to produce goods that, when sold, provided personal income to the leaders of the Russia-led forces.

Administration: Although prisoners and detainees may file complaints about conditions in custody with the human rights ombudsman, human rights organizations noted prison officials continued to censor or discourage complaints and penalized and abused inmates who filed them. Human rights groups reported that legal norms did not always provide for confidentiality of complaints. According to representatives of the national preventive mechanism, an organization that conducted monitoring visits of places of detention, authorities did not always conduct proper investigations of complaints.

While officials generally allowed prisoners, except those in disciplinary cells, to receive visitors, prisoner rights groups noted some families had to pay bribes to obtain permission for prison visits to which they were entitled by law.

Independent Monitoring: The government generally permitted independent monitoring of prisons and detention centers by international and local human rights groups, including the CPT, the Ombudsman's Office, and the UN SRT. During its May-June visit, the UN SRT also had access to a very restricted set of facilities in the "DPR" and the "LPR."

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but the government did not always observe these requirements.

The HRMMU and other monitoring groups reported numerous arbitrary detentions in connection with the conflict in eastern Ukraine (see section 1.g.).

#### **Role of the Police and Security Apparatus**

The Ministry of Internal Affairs is responsible for maintaining internal security and order. The ministry oversees police and other law enforcement personnel. The SBU is responsible for state security broadly defined, nonmilitary intelligence, and counterintelligence and counterterrorism matters. The Ministry of Internal Affairs reports to the Cabinet of Ministers, and the SBU reports directly to the president. The State Fiscal Service exercises law enforcement powers through the tax police and reports to the Cabinet of Ministers. The State Migration Service under the

Ministry of Internal Affairs implements state policy regarding border security, migration, citizenship, and registration of refugees and other migrants.

Security forces generally prevented or responded to societal violence. At times, however, they used excessive force to disperse protests or, in some cases, failed to protect victims from harassment or violence. For example, on June 8, a group of violent nationalists from the National Druzhina organization--established with support from the National Corps--attacked and destroyed a Romani camp in Kyiv after its residents failed to respond to their ultimatum to leave the area within 24 hours. Police were present but made no arrests, and in a video of the attack posted on social media, police could be seen making casual conversation with the nationalists following the attack.

Civilian authorities generally had control over law enforcement agencies but rarely took action to punish abuses committed by security forces. Impunity for abuses by law enforcement agencies remained a significant problem that was frequently highlighted by the HRMMU in its reports as well as by other human rights groups. The HRMMU noted authorities were unwilling to investigate allegations of torture and other abuses, particularly when the victims had been detained on grounds related to national security or were seen as pro-Russian.

While authorities sometimes brought charges against members of the security services, cases often remained under investigation without being brought to trial while authorities allowed alleged perpetrators to continue their work. According to an April report by the Expert Center for Human Rights, only 3 percent of criminal cases against law enforcement authorities for physical abuse of detainees were transferred to court. In addition, human rights groups criticized the lack of progress in investigations of alleged crimes in areas retaken by the government from Russia-led forces, resulting in continuing impunity for these crimes. In particular, investigations of alleged crimes committed by Russia-led forces in Slovyansk and Kramatorsk in 2014 appeared stalled. Human rights groups believed that many local law enforcement personnel collaborated with Russia-led forces when they controlled the cities.

Under the law, members of the parliament have authority to conduct investigations and public hearings into law enforcement problems. The human rights ombudsman may also initiate investigations into abuses by security forces.

The Ministry of Internal Affairs indicated it provides 80 hours of compulsory human rights training to security forces, focusing on the principles of the European

Convention on Human Rights and Fundamental Freedoms. Law enforcement training institutions also include courses on human rights, rule of law, constitutional rights, tolerance and nondiscrimination, prevention of domestic violence, and freedom from cruel, inhuman, or degrading punishment.

### **Arrest Procedures and Treatment of Detainees**

By law, authorities may detain a suspect for three days without a warrant, after which a judge must issue a warrant authorizing continued detention. Authorities in some cases detained persons for longer than three days without a warrant.

Prosecutors must bring detainees before a judge within 72 hours, and pretrial detention should not exceed six months for minor crimes and 12 months for serious ones. Persons have the right to consult a lawyer upon their detention. According to the law, prosecutors may detain suspects accused of terrorist activities for up to 30 days without charges or a bench warrant. Under the law, citizens have the right to be informed of the charges brought against them. Authorities must promptly inform detainees of their rights and immediately notify family members of an arrest. Police often did not follow these procedures. Police at times failed to keep records or register detained suspects, and courts often extended detention to allow police more time to obtain confessions. In its September report, the CPT expressed concern about a widespread practice of unrecorded detention, in particular, the unrecorded presence in police stations of persons “invited” for “informal talks” with police, and noted that they encountered several allegations of physical mistreatment that took place during a period of unrecorded detention. Authorities occasionally held suspects incommunicado, in some cases for several weeks.

According to the Association of Ukrainian Human Rights Monitors on Law Enforcement, detainees were not always allowed prompt access to an attorney of their choice. Under the law the government must provide attorneys for indigent defendants. Compliance was inconsistent because of a shortage of defense attorneys or because attorneys, citing low government compensation, refused to defend indigent clients.

The law provides for bail, but many defendants could not pay the required amounts. Courts sometimes imposed travel restrictions as an alternative to pretrial confinement.

Arbitrary Arrest: The HRMMU and other human rights monitors reported a continued pattern of arbitrary detention by authorities. For example, according to

the HRMMU, on March 12, the SBU searched the apartment of an opposition journalist in Kharkiv. SBU staff presented a search warrant but did not allow the suspect to contact a lawyer. After the SBU seized a plastic bottle with ammunition rounds which they claimed they found in the journalist's apartment, they took him to the regional SBU department, interrogated him for 12 hours, and pressured him to cooperate with SBU. They released him later without pressing official charges.

There were multiple reports of arbitrary detention in connection with the conflict in eastern Ukraine. As of mid-August the HRMMU documented 28 cases in which government military or SBU personnel detained presumed members of armed groups and held them in unofficial detention facilities before their arrests were properly registered. According to the HRMMU, on June 16, armed men wearing military uniforms and masks stormed a house where a Russian citizen was staying. They blindfolded him and brought him to an unofficial detention facility located in Pokrovsk at a transportation company facility where he allegedly spent two days handcuffed to an iron bed. On June 18, SBU officers offered him two options, either to be placed in custody or "to disappear." He was brought to a court hearing and then sent to pretrial detention.

There were reports that members of nationalist hate groups, such as C14 and National Corps, at times committed arbitrary detentions with the apparent acquiescence of law enforcement. For example according to the HRMMU, on March 14, members of C14 unlawfully detained a man in Kyiv Oblast who was suspected of being a member of an armed group in the "LPR." After interrogating him while he was face down and handcuffed, C14 handed him over to the SBU.

Arbitrary arrest was reportedly widespread in both the "DPR" and the "LPR." The HRMMU raised particular concern over the concept of "preventive arrest" introduced in February by Russia-led forces in the "LPR." Under a preventive arrest, individuals may be detained for up to 30 days, with the possibility of extending detention to 60 days, based on allegations that a person was involved in crimes against the security of the "LPR." During preventive arrests, detainees were held incommunicado and denied access to lawyers and relatives.

#### **e. Denial of Fair Public Trial**

While the constitution provides for an independent judiciary, courts were inefficient and remained vulnerable to political pressure and corruption. Confidence in the judiciary remained low.

Despite efforts to reform the judiciary and the Prosecutor General's Office, corruption among judges and prosecutors remained endemic. Civil society groups continued to complain about weak separation of powers between the executive and judicial branches of government. Some judges claimed that high-ranking politicians pressured them to decide cases in their favor, regardless of the merits. Some judges and prosecutors reportedly took bribes in exchange for legal determinations. Other factors impeded the right to a fair trial, such as lengthy court proceedings, particularly in administrative courts, inadequate funding, and the inability of courts to enforce rulings.

The National Bar Association reported numerous cases of intimidation and attacks against lawyers, especially those representing defendants considered "pro-Russian" or "pro-Russia-led forces." For example on July 27, representatives of nationalist hate group C14 attacked lawyer Valentyn Rybin, who was representing a citizen charged with separatism at the Kyiv City Appeals Court. Police opened an investigation into the incident.

### **Trial Procedures**

A single judge decides most cases, although two judges and three public assessors who have some legal training hear trials on charges carrying the maximum sentence of life imprisonment. The law provides for cross-examination of witnesses by both prosecutors and defense attorneys and for plea bargaining.

The law presumes defendants are innocent, and they cannot be legally compelled to testify or confess, although high conviction rates called into question the legal presumption of innocence. Defendants have the right to be informed promptly and in detail of the charges against them, with interpretation as needed; to a public trial without undue delay; to be present at their trial, to communicate privately with an attorney of their choice (or one provided at public expense); and to have adequate time and facilities to prepare a defense. The law also allows defendants to confront witnesses against them, to present witnesses and evidence, and the right to appeal.

Trials are open to the public, but some judges prohibited media from observing proceedings. While trials must start no later than three weeks after charges are filed, prosecutors seldom met this requirement. Human rights groups reported officials occasionally monitored meetings between defense attorneys and their clients.

Russia-led forces terminated Ukrainian court system functions on territories under their control in 2014. The so-called “DPR” and “LPR” did not have an independent judiciary, and the right to a fair trial was systematically restricted. The HRMMU reported that in many cases individuals were not provided with any judicial review of their detention, and were detained indefinitely without any charges or trial. In cases of suspected espionage or when individuals were suspected of having links to the Ukrainian government, closed-door trials by military tribunals were held. There were nearly no opportunities to appeal the verdicts of these tribunals. According to the HRMMU, “accounts by conflict-related detainees suggest that their degree of culpability in the imputed ‘crime’ was already considered established at the time of their ‘arrest,’ amounting to a presumption of guilt. Subsequent ‘investigations’ and ‘trials’ seemed to serve merely to create a veneer of legality to the ‘prosecution’ of individuals believed to be associated with Ukrainian military or security forces.” The HRMMU reported that de facto authorities generally impede private lawyers from accessing clients and that court-appointed defense lawyers generally made no efforts to provide an effective defense, and participated in efforts to coerce guilty pleas.

### **Political Prisoners and Detainees**

There were reports of a small number of individuals that some human rights groups considered to be political prisoners.

As of October the trial of Zhytomyr journalist Vasyl Muravytsky, was ongoing. Muravytsky was charged with state treason, infringement of territorial integrity, incitement of hatred, and support for terrorist organizations based on statements deemed pro-Russian. He could face up to 15 years of prison. Some domestic and international journalist unions called for his release, claiming the charges were politically motivated.

On February 20, the Dolyna court returned an indictment against Ruslan Kotsaba, a blogger from Ivano-Frankivsk, to the prosecutor’s office for lack of evidence that a crime had been committed. Kotsaba was not incarcerated at the time and had been released in 2016 following his 2015 arrest on charges of impeding the work of the armed forces by calling on Ukrainians to ignore the draft. During the period of his arrest, human rights groups had deemed him a political prisoner.

According to the SBU, Russia-led forces kept an estimated 113 hostages in Donbas.

## **Civil Judicial Procedures and Remedies**

The constitution and law provide for the right to seek redress for any decisions, actions, or omissions of national and local government officials that violate citizens' human rights. An inefficient and corrupt judicial system limited the right of redress. Individuals may also file a collective legal challenge to legislation they believe may violate basic rights and freedoms. Individuals may appeal to the human rights ombudsman at any time and to the ECHR after exhausting domestic legal remedies.

## **Property Restitution**

The country endorsed the 2009 Terezin Declaration but has not passed any laws dealing with the restitution of private or communal property, although the latter has been dealt with partly through regulations and decrees. In recent years most successful cases of restitution have taken place as a result of tacit and behind-the-scenes lobbying on behalf of the Jewish groups.

## **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions, but there were reports authorities generally did not respect the prohibitions.

By law, the SBU may not conduct surveillance or searches without a court-issued warrant. The SBU and law enforcement agencies, however, sometimes conducted searches without a proper warrant. In an emergency authorities may initiate a search without prior court approval, but they must seek court approval immediately after the investigation begins. Citizens have the right to examine any dossier in the possession of the SBU that concerns them; they have the right to recover losses resulting from an investigation. There was no implementing legislation, and authorities generally did not respect these rights, and many citizens were not aware of their rights or that authorities had violated their privacy.

There were some reports that the government had accessed private communications and monitored private movements without appropriate legal authority. For example on April 26, a judge of the Uzhhorod city court complained of illegal surveillance. Representatives of the National Guard who were entrusted with guarding the court premises had allegedly installed a listening device in his office. Police opened an investigation into the complaint.

There were reports that the government improperly sought access to information about journalists' sources and investigations (see section 2.a.).

### **g. Abuses in Internal Conflicts**

The Russian government controlled the level of violence in eastern Ukraine, intensifying the conflict when it suited its political interests. Russian forces continued to arm, train, lead, and fight alongside some Ukrainians. Russia-led forces throughout the conflict methodically obstructed and threatened international monitors, who did not have the access necessary to record systematically ceasefire violations or abuses committed by Russia-led forces.

International organizations and NGOs, including Amnesty International, Human Rights Watch, and the HRMMU issued periodic reports documenting abuses committed in the Donbas region. As of September 2, the Organization for Security and Cooperation in Europe (OSCE) fielded 1,247 persons supporting a special monitoring mission (SMM), which issued daily reports on the situation and conditions in most major cities.

As of mid-June the HRMMU reported that fighting had killed at least 10,500 persons in Ukraine, including civilians, government armed forces, and members of armed groups. This figure included the 298 passengers and crew on board Malaysian Airlines flight MH-17, which was shot down in 2014 over the Donbas region. In addition, since the start of the conflict, more than three million residents have left areas of Donetsk and Luhansk Oblasts controlled by Russia-led forces. As of October 1, the Ministry of Social Policy had registered 1.5 million internally displaced persons (IDPs).

The media and human rights groups continued to report widespread abuses in areas held by Russia-led forces.

Killings: As of November 1, the OSCE reported 212 civilian casualties (43 deaths and 173 injuries) since January 1, compared with 476 total casualties (86 deaths and 390 injuries) for all of 2017.

In its September report, the HRMMU noted that the continued use of indirect and explosive weapons by both sides of the conflict remained the primary concern regarding protection of civilians, that significant numbers of civilians continued to reside in villages and towns in close proximity to the contact line, and that both

government forces and Russia-led forces were present in areas where civilians resided. For example according to HRMMU, four civilians were killed and two others were injured by shelling by government forces in Dokuchayevsk, in the “DPR,” between April 22 and April 28. According to press reports, on May 17, a 13-year-old boy and his father were killed in their yard in the village of Troitske in government-controlled territory during shelling by Russia-led forces.

The HRMMU also regularly noted concerns about the dangers to civilians from landmines, booby traps, and unexploded ordnance. According to the Ministry of Defense, 7,000 square kilometers (2700 square miles) of government-controlled territory and 9,000 square kilometers (3500 square miles) of territory controlled by Russia-led forces in Donetsk and Luhansk Oblasts needed humanitarian demining. According to the Ministry of Defense, as of mid-July, mines and explosive ordnance had killed more than 2,550 civilians, including 242 children, since the start of the conflict.

According to the HRMMU, on April 7, four members of one family died in Pishchane in the government-controlled area of Luhansk region when their vehicle ran over an antitank mine. On September 30, according to the OSCE SMM, three children were killed and one injured when they inadvertently triggered a landmine on the outskirts of Horlivka in Donetsk Oblast, in an area under the control of Russia-led forces. Three boys between the ages of 12 and 14 died at the scene and a 10-year-old boy was taken to a local hospital with multiple injuries.

As of September 1, the International Committee of the Red Cross (ICRC) reported that over 1,500 individuals had gone missing in the conflict zone since mid-April 2014. According to the National Police, 1,861 persons went missing in the conflict area since April 2014. On July 12, parliament adopted a bill, “On the Legal Status of Missing Persons,” to address the situation of individuals unaccounted for as a result of armed conflict, hostilities, public disturbances, and natural or manmade disasters. The law calls for the creation of a unified registry of missing persons and a commission to coordinate the activities of government agencies involved in tracing and identifying missing persons and providing support for their families. Russia-led forces had no such system and no effective means of investigating missing persons’ cases. According to human rights groups, over 1,000 bodies in government-controlled cemeteries and morgues, both military and civilian, remained unidentified as a result of fighting, mostly from 2014.

Abductions: There were reports of abductions on both sides of the line of contact. A preliminary report by the UN Working Group on Enforced or Involuntary

Disappearances (WGEID) following a June visit noted: “There is almost total impunity for acts of enforced disappearances on both sides of the contact line, mainly due to a lack of interest and political will. In Kyiv as well as in Russia-controlled territory in Donbas, the WGEID perceived little interest in pursuing cases unless the perpetrator is identified as someone supporting the opposite side. Bringing to justice anyone from its own side appears to be perceived as ‘unpatriotic.’”

The HRMMU’s March report reported four cases on government-controlled territory in which individuals were allegedly abducted by a group of unidentified, masked individuals, either in civilian clothes or camouflage without insignia or emblems, in a public space, during daytime. According to the HRMMU: “The victims reported being blindfolded or hooded, handcuffed and transported to an unknown location (building, basement, garage) where they were allegedly subjected to beatings, violent threats (including of rape), mock execution, or rape, while being coerced into confessing to cooperating with the Federal Security Service of the Russian Federation (FSB) or armed groups. This lasted from a few hours to a few days or weeks, during which the victim remained blindfolded or the perpetrators covered their faces. The victim would then either be transferred to the SBU or “released” on a public street where they would be immediately arrested by the SBU. At that point the detention would reportedly be properly registered, relatives were notified of the detention, and the detainee was notified of suspicion and interrogated.”

According to the head of the SBU, Russia-led forces held 113 Ukrainian hostages in Donbas. Human rights groups reported that Russia-led forces routinely kidnapped persons for political purposes, to settle vendettas, or for ransom. According to the HRMMU, on January 15, the “ministry of state security” (“MGB”) of the “DPR” announced that it had detained 246 individuals on “suspicion of espionage and state treason” in 2017. No data was available from the “LPR.”

Civilians were most often detained by Russia-led forces at entry-exit checkpoints along the line of contact. As of mid-May, the HRMMU documented five cases in which individuals were detained while attempting to cross the line of contact. In such cases, relatives could not obtain information about the whereabouts of the detained persons, particularly during the initial stage of detention. There were several cases in which individuals were held incommunicado for more than a month.

For example on March 28, a man was detained by the “MGB” while crossing Stanytsia Luhanska checkpoint into the “LPR.” His mother sought information from the “MGB” and “general prosecutor” for weeks but was informed only on April 19 that her son had been detained under “preventive arrest” procedures (see section 1.d.). During the first two days of his arrest, he was allegedly severely beaten, forced to stand on his toes while his wrists were handcuffed to a ceiling, and subjected to electric shocks. The abuse stopped when he “confessed” to a crime. Russia-led authorities released him after 64 days of detention.

On August 17, a Russian state-run television channel broadcast an interview in which abducted journalist Stanislav Aseyev (pen name Vasin) was forced to confess falsely to spying for Ukraine. In June 2017 Russia-led forces kidnapped Aseyev in Donetsk and accused him of espionage.

Physical Abuse, Punishment, and Torture: Both government and Russia-led forces reportedly abused and tortured civilians and soldiers in detention facilities, but human rights organizations consistently sited Russia-led forces for large-scale systematic abuses. Observers noted that an atmosphere of impunity and absence of rule of law compounded the situation. Reported abuses included beatings, physical and psychological torture, mock executions, sexual violence, deprivation of food and water, refusal of medical care, and forced labor.

In government-controlled territory, the HRMMU recorded several cases of torture, including mock executions and use of electric shocks. The HRMMU stated it suspected such cases were underreported because victims often remained in detention or were afraid to report abuse due to fear of retaliation or lack of trust in the justice system.

As of mid-August the HRMMU documented nine cases in the Donbas area where government military or SBU personnel captured alleged members of armed groups and held them in unofficial detention facilities before their arrests were properly registered. Four detained individuals involved in such cases reported being tortured, mistreated, subjected to sexual violence, and threatened with physical violence.

For example according to the HRMMU, on June 20, a resident of Khartsyzk was held for nearly 35 hours in the government-controlled Bakhmut and Kramatorsk police departments without being officially arrested or charged and without access to a lawyer. During this time, people in military uniforms reportedly punched him, beat him with objects, and threatened him with a knife, demanding a confession.

He was interrogated and pressured to agree to a plea bargain and was charged with participation in an armed group.

According to the HRMMU, the lack of effective investigation into previously documented cases of torture and physical abuse remained a critical human rights concern. For example, the HRMMU's September report described one case in which a detainee submitted several complaints alleging that in 2015 government forces held him for eight days at the Krasnoarmiysk Automobile Transportation Company without registering him and subjected him to mistreatment. The Military Prosecutor's Office at the Donetsk garrison initiated criminal proceedings on the complaints but closed the investigation twice. While the courts ordered the investigation reopened both times, there was no progress and, following the release of the detainee in December 2017, the investigation was reportedly closed again.

There were reports that Russia-led forces systematically committed numerous abuses, including torture, in the territories under their control. According to international organizations and NGOs, abuses included beatings, forced labor, psychological and physical torture, public humiliation, and sexual violence. During the year new accounts of abuse emerged from detainees released in a December 2017 prisoner exchange. For example, Leonid, a resident of Debaltseve, was held captive for 509 days after being detained in 2015. He was detained while attempting to move to the territory controlled by the government. Agents of the "DPR Ministry of State Security" beat him, then put a plastic bag on his head, handcuffed him, and took him to a former factory building in Donetsk. The Russia-led forces equipped a prison with a torture ward in the basement of the former factory where Leonid was also tortured. Leonid was also interrogated and tortured in the premises of the "Ministry of State Security" (MGB) in Donetsk. During interrogation, perpetrators used electric shock, beat him, humiliated him, attempted to rape him, and threatened to torture his relatives. According to the SBU, the agency has documented 500 cases of torture of Ukrainian citizens by Russia-led forces. During the year the HRMMU documented multiple reports of individuals arbitrarily arrested by "MGB" personnel, tortured, and held incommunicado in a former cultural center turned into detention facility called Izoliatsiya. During their detention, the individuals were allegedly subjected to electric shock and other forms of abuse. The HRMMU believed that at least 40 individuals, including civilians, were held in Izoliatsiya during the first half of the year.

With the exception of one very restricted visit by the UN SRT (see section 1.c.), international organizations, including the HRMMU, were refused access to places

of deprivation of liberty in territory controlled by Russia-led forces and were therefore not able to fully assess the conditions in the facilities.

The UNRMMU continued to document reports of sexual and gender-based violence by both sides during the year. A December 2017 report by the Justice for Peace in Donbas Coalition (JFPDC) reflecting interviews with hundreds of former detainees from detention centers documented abuses by both sides over the course of the conflict, but noted that sexual violence was more widely used by Russia-led forces than by government forces or progovernment battalions. On the government side, the report documented incidents of rape, threats of rape, and sexual harassment and humiliation.

In areas controlled by Russia-led forces, the JFPDC indicated that that sexual violence was more systematic and especially widespread in illegal “unofficial” detention facilities, where in some cases women and men were not separated. The report noted that at least one out of every four detainees of these illegal prisons (both women and men) was a victim or witness of gender-based violence. The documented forms of abuse included rape, threats of rape, threats of castration, intentional damage to genitalia, threats of sexual violence against family members, sexual harassment, forced nudity, coercion to watch sexual violence against others, forced prostitution, and humiliation.

Both sides employed land mines without fencing, signs, or other measures to prevent civilian casualties. As of September the HRMMU reported that mines, booby traps, and explosive remnants of war accounted for 58 civilian casualties (six killed and 52 injured). Risks were particularly acute for persons living in towns and settlements near the contact line as well as for the approximately 35,000 persons who crossed the contact line daily.

Other Conflict-related Abuse: On May 24, an international team of investigators from Netherlands, Australia, Belgium, Malaysia, and Ukraine presented the results of their investigation into the 2014 downing of Malaysian Airlines flight 17 in Donbas. The investigation concluded that the surface-to-air missile system used to shoot down the airliner over Ukraine, killing all 298 persons on board, came from the Russian military. The report largely confirmed the already widely documented role of the Russian government in the deployment of the missile system and its subsequent cover-up. In the report, Dutch prosecutors traced Russia’s role in deploying the missile system into Ukraine and its attempt to hide its role after the disaster.

Russia-led forces in Donetsk Oblast banned Ukrainian government humanitarian aid and restricted aid from international humanitarian organizations. As a result, prices for basic groceries were reportedly outside the means of many persons remaining in Russia-controlled territory. Human rights groups also reported severe shortages of medicine, coal, and medical supplies in Russia-controlled territory. Russia-led forces continued to receive convoys of Russian “humanitarian aid,” which Ukrainian government officials believed contained weapons and supplies for Russia-led forces.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for members of the press. Authorities did not always respect these rights, however. The government introduced measures that banned or blocked information, media outlets, or individual journalists deemed a threat to national security or who expressed positions that authorities believed undermined the country’s sovereignty and territorial integrity. Other problematic practices continued to affect media freedom, including self-censorship, so-called *jeansa* payments (publishing unsubstantiated news articles for a fee), and slanted news coverage by media outlets whose owners had close ties to the government or opposition political parties.

In the Donbas region, Russia-led forces suppressed freedom of speech and the press through harassment, intimidation, abductions, and assaults on journalists and media outlets. They also prevented the transmission of Ukrainian and independent television and radio programming in areas under their control.

Freedom of Expression: With some exceptions, individuals in areas under government control could generally criticize the government publicly and privately and discuss matters of public interest without fear of official reprisal. The law criminalizes the display of communist and Nazi symbols as well as the manufacture or promotion of the “St. George’s ribbon,” a symbol associated with Russia-led forces in the Donbas region. During the May 9 celebration of World War II Victory Day, several persons were detained in Kyiv, Lviv, Poltava, Melitopol, and Odesa for carrying banned Soviet symbols.

The law prohibits statements that threaten the country's territorial integrity, promote war, instigate racial or religious conflict, or support Russian aggression against the country, and the government prosecuted individuals under these laws.

Press and Media Freedom: The NGO Freedom House rated the country's press as "partly free." Independent media and internet news sites were active and expressed a wide range of views. Privately owned media, the most successful of which were owned by wealthy and influential oligarchs, often presented readers and viewers a "biased pluralism," representing the views of their owners, favorable coverage of their allies, and criticism of political and business rivals. The 10 most popular television stations were owned by businessmen whose primary business was not in media. Independent media had difficulty competing with major outlets that operated with oligarchic subsidies.

As of October 1, the Institute of Mass Information (IMI) recorded 140 cases of alleged violations of freedom of press during the year, compared with 152 cases over the same period in 2017.

*Jeansa*--the practice of planting one-sided or favorable news coverage paid for by politicians or oligarchs--continued to be widespread. IMI's monitoring of national print and online media for *jeansa* indicated that a wide range of actors ordered political *jeansa*, including political parties, politicians, oblast governments, and oligarchs. According to IMI press monitoring, during the month of September, the country's internet media contained the highest level of *jeansa* observed in the previous five years, a level twice as high as the same period in 2017, with 52 percent of journalists reporting that their outlet regularly published *jeansa*.

Violence and Harassment: Violence against journalists remained a problem. Human rights groups and journalists criticized what they saw as government inaction in solving the crimes as giving rise to a growing culture of impunity.

According to IMI, as of September 1, there had been 22 reports of attacks on journalists during the year, compared with 19 cases during the same period in 2017. As in 2017, private, rather than state, actors perpetrated the majority of the attacks. As of September 1, there were 24 incidents involving threats against journalists, as compared with 22 during the same period in 2017. IMI and editors of major independent news outlets also noted online harassment of journalists by societal actors, reflecting a growing societal intolerance of reporting deemed insufficiently patriotic, a development they asserted had the tacit support of the government.

On September 8, two men, one of them identified as Volodymyr Voychenko, a member of the Novoodesa district council in Mykolaiv Oblast, attacked and beat the editor in chief of the local Mykolaiv newspaper *My City*, Mykola Popov. According to Popov, Voychenko and an accomplice approached him at a restaurant to complain about his writing and then beat him. The journalist linked the attack to his critical publications about local authorities. Police opened an investigation into both Popov and his attackers, who had filed a complaint claiming that Popov had attacked them.

There were also reports that police beat journalists covering demonstrations (see section 2.b).

There were reports of police using violence and intimidation against journalists. For example in February 21, several female journalists seeking to attend the treason trial of former president Yanukovich reported that police officers forced them to undress and undergo invasive security checks in order to be granted entry to a courtroom where Poroshenko was testifying via video link. Specifically, the female journalists were asked to remove all clothing above the waist so that police could confirm that they did not have political slogans written on their bodies. Police later indicated that they had been looking for members of the protest group Femen, who often conducted partially nude protests. The presidential administration subsequently apologized for the intrusive checks, but the National Police spokesperson defended the police actions as “necessary.”

There were reports of attacks on the offices of independent media outlets, generally by unidentified assailants. For example, on February 23, an unknown assailant burned the offices of the investigative news website *Chetverta Vlada* (fourth Power) in Rivne. Police opened an investigation into the attack. Five days prior, unknown persons had robbed the offices hosting the website’s server and seized key equipment, which incapacitated the site. Two perpetrators were identified and police issued a wanted notice.

There were reports that government officials sought to pressure journalists through the judicial system. On August 27, Pechersk District Court in Kyiv granted the Prosecutor General’s Office access to 17 months of text messages, calls, and locations from the cell phone of journalist Natalia Sedletska, who was the editor in chief of the anticorruption investigative television program *Schemes*. The court’s decision was made in the context of a case against Artem Sytnyk, the head of the National Anticorruption Bureau (NABU) for allegedly disclosing state secrets to

journalists in which Sedletska and a number of other journalists were called as witnesses. Sedletska had previously refused to provide information to the Prosecutor General's Office voluntarily on the grounds her communications with confidential sources are protected under the law. Human rights defenders considered the court's decision a violation of press freedom and an attempt to harass and intimidate Sedletska. On September 18, an appeals court ruled to restrict the original request to geolocation data from around the offices of the NABU in Kyiv, but upheld the original timeframe. On September 18, the ECHR ordered the government to ensure that authorities do not access any data from Sedletska's cell phone. According to press reports, Sedletska was one of at least three journalists whose communications data was subject to court rulings that it should be provided to the Prosecutor General's Office.

There were no developments during the year in the 2016 killing of well-known Belarusian-Russian journalist Pavel Sheremet, who hosted a morning show on Vesti radio and worked for the *Ukrainska Pravda* online news outlet (see section 1.a.).

In June 2017 authorities completed the investigation of the 2015 killing of Oles Buzyna, allegedly by members of a right-wing political group, and referred the case to court for trial. Court hearings against two suspects were underway as of September.

Censorship or Content Restrictions: Human Rights organizations frequently criticized the government for taking an overly broad approach to banning books, television shows, and other content (see sections on National Security and Internet Freedom).

The State Committee on Television and Radio Broadcasting (Derzhkomteleradio) maintained a list of banned books that were seen to be aimed at undermining the country's independence, spreading propaganda of violence, inciting interethnic, racial, religious hostility, promoting terrorist attacks, or encroaching on human rights and freedoms. As of July the list contained 180 books. In January, Derzhkomteleradio banned the Russian-language translation of *Stalingrad*, an award-winning book by British historian Anthony Beever. Authorities held that the book's allegation that Ukrainian militias during World War II carried out an execution of 90 Jewish orphans in Bila Tserkva constituted "propaganda" encroaching on the country's sovereignty and security.

Both independent and state-owned media periodically engaged in self-censorship when reporting stories that might expose political allies to criticism or that might be perceived by the public as insufficiently patriotic or provide information that could be used for Russian propaganda.

Libel/Slander Laws: Libel is a civil offense. While the law limits the monetary damages a plaintiff can claim in a lawsuit, local media observers continued to express concern over high monetary damages awarded for alleged libel. Government entities, and public figures in particular, used the threat of civil suits, sometimes based on alleged damage to a person's "honor and integrity," to influence or intimidate the press and investigative journalists.

For example, on June 13, Ukroboronprom (an association of state-run companies producing defense articles) filed a lawsuit against Publishing House Media DK, the media group that owns *Novoye Vremya*. *Novoye Vremya* had published articles on corruption connected to state purchases of defense articles from Ukroboronprom. The lawsuit called for the protection of Ukroboronprom's honor and dignity and demanded that *Novoye Vremya* publish a retraction of the story on corruption schemes. The case had not yet been heard in court by year's end.

National Security: Authorities took measures to prohibit, regulate, and occasionally censor information deemed a national security threat, particularly those emanating from Russia and promoting pro-Russian lines, in the context of the ongoing conventional conflict in the Donbas, as well as the ongoing Russian disinformation and cyber campaigns.

The government continued the practice of banning specific works by Russian actors, film directors, and singers, as well as imposing sanctions on pro-Russian journalists. According to the State Film Agency, as of mid-September more than 660 films and television shows had been banned on national security grounds since 2014. In response to Russia's continued barrage of cyberattacks and disinformation as part of its efforts to destabilize Ukraine, the government maintained its May 2017 ban on the operations of 468 companies and 1,228 persons that allegedly posed a "threat to information and the cyber security of the state." Among them were the country's two most widely used social networks, which were based in Russia, and major Russian television channels.

There were reports that the government used noncompliance with these content bans to pressure outlets it perceived as having a pro-Russian editorial policy. For example, on January 25, the television channel INTER, which some observers

perceived to have a pro-Russian bias, received notice from the SBU that it would be subjected to additional “inspections” on the grounds the channel had aired films that were banned because they starred pro-Russian actors that posed a “threat to national security.”

On October 4, parliament approved a resolution to impose sanctions on television channels 112 Ukraine and NewsOne due to their alleged pro-Russian activities and beneficial owners. The resolution called for blocking of assets, suspension of licenses, a ban on the use of radio frequencies, and a termination of the provisions of telecommunication services and usage of general telecommunications networks. As of December sanctions had not yet come into force.

On September 18, the Lviv Oblast council banned all Russian-language books, films, and songs, in order to combat “hybrid warfare” by Russia. The Zhytomyr and Ternopil Oblast Councils mirrored this measure on October 25 and November 6 respectively. Observers expressed doubts that this type of ban could be enforced.

Media professionals continued to experience pressure from the SBU, the military, and other officials when reporting on sensitive issues, such as military losses. For example, the editor in chief of the weekly magazine *Novoye Vremya* reported threats to the magazine’s editorial board by the chair of the parliamentary committee on national security and former head of the Ukroboronprom Serhiy Pashynsky, and the deputy chair of the National Security and Defense Council Oleg Hladkovsky. The magazine reported that the two officials were the main beneficiaries of corruption schemes connected to state purchases of defense articles. On April 12, attorneys for the two members of parliament visited the magazine’s office and demanded that *Novoye Vremya* publish a retraction of the story on national security grounds. The magazine refused to do so.

There were reports that the government used national security grounds to arrest and prosecute journalists it believed had a pro-Russian editorial bias. On May 15, the SBU searched RIA Novosti Ukraine’s office. Editor in Chief Kirill Vyshinskiy was arrested and charged with high treason. According to the SBU, in the spring of 2014, Vyshinskiy went to Crimea, where he allegedly took part in a propaganda campaign supporting the peninsula’s purported annexation by Russia, for which the SBU alleged he was given an award by the Russian government. The Committee to Protect Journalists, Reporters without Borders, and the OSCE representative on freedom of the media expressed concern at the time of his arrest. Pretrial investigation continued as of late September.

Authorities continued to deport and bar entry to foreign journalists on national security grounds. On July 10, border guards barred John Warren Graeme Broderip, a UK national and the host of the Russian channel NTV, from entering the country and imposed a three-year entry ban on him for violating the rules of entering occupied Crimea in 2015.

Nongovernmental Impact: There were reports that nationalist hate groups committed attacks on journalists. For example according to IMI, on July 19, members of nationalist hate group C14 in Kyiv attacked a journalist covering a trial of C14 members who had been charged with attacking a Romani camp.

Russia-led forces in the east harassed, arbitrarily detained, and mistreated journalists (see section 1.g.). According to the HRMMU, “the space for freedom of opinion and expression remained highly restricted.” The HRMMU documented the case of two men detained and charged with espionage for their pro-Ukrainian positions expressed in social media. The HRMMU also noted that “local media currently operated mainly as a tool for promoting those in control.” According to CyberLab Ukraine, the authorities in the “Luhansk People’s Republic” blocked more than 50 Ukrainian news outlets.

The HRMMU reported that journalists entering Russia-controlled territory of the “DPR” had to inform the “press center” of the “ministry of defense” about their activities on a daily basis, were arbitrarily required to show video footage at checkpoints, and were accompanied by members of armed groups when travelling close to the contact line.

On August 22, the Russian state-run television channel Rossiya 24 broadcast an “interview” with Stanislav Aseyev, in which he falsely confessed to spying for Ukraine. “DPR authorities” arrested Aseyev in June (see section 1.g.).

### **Internet Freedom**

According to the International Telecommunication Union (ITU), 53 percent of the population used Internet in 2017. Law enforcement bodies monitored the internet, at times without appropriate legal authority, and took significant steps during the year to block access to websites.

On May 14, the president endorsed new sanctions approved by the National Security and Defense Council that, among other things, obliged Ukrainian internet providers to block 192 sites, in addition to those previously blocked.

Human rights groups and journalists who were critical of Russian involvement in the Donbas region and the occupation of Crimea reported their websites were subjected to cyberattacks, such as coordinated denial of service incidents and unauthorized attempts to obtain information from computers, as well as coordinated campaigns of “trolling” and harassment on social media.

In its annual *Freedom on the Net* report published in November, Freedom House concluded that internet freedom had deteriorated for the second year in a row. It noted in particular that “authorities have become less tolerant of online expression perceived as critical of Ukraine’s position in the conflict, and the government has been especially active this year in sanctioning social media users for ‘separatist’ and ‘extremist’ activities, with many users detained, fined, and even imprisoned for such activities. Meanwhile, Russia-led forces in the east have stepped up efforts to block content online perceived to be in support of Ukrainian government or cultural identity.”

There were reports that the government prosecuted individuals for their posts on social media. According to the media monitoring group Detector Media, in 2017 authorities opened criminal investigations into 40 users or administrators of social media platforms for posting content that “undermined the constitutional order” of the country or otherwise threatened national security, 37 of which were referred to court. For example, according to Freedom House, in February the SBU searched the home of a Chernihiv resident for allegedly posting anti-Ukrainian content on Russian social media platforms. Authorities seized his computer and telephone, and later charged him for “undermining the constitutional order.” According to the SBU, the man shared content on several groups and pages with more than 20,000 followers.

On November 28, representatives of at least four Ukrainian human rights, media, and anticorruption organizations were notified by Google that their private and corporate Google accounts were attacked by offenders likely backed by the Russian government. Ukrainian users received similar messages throughout 2015-2016. Independent analysis indicated that a hacker group named Fancy Bear associated with the Russian Government was behind the attacks.

### **Academic Freedom and Cultural Events**

There were no reports of government restrictions on academic freedom or cultural events. The government maintained a list of Russian or pro-Russian musicians,

actors, and other cultural figures that it prohibited from entering the country on national security grounds.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

#### **Freedom of Peaceful Assembly**

The constitution provides for the freedom of peaceful assembly, and the government generally respected this right. There are no laws, however, regulating the process of organizing and conducting events to provide for the right, and authorities have wide discretion under a Soviet-era directive to grant or refuse permission for assemblies on grounds of protecting public order and safety. Organizers are required to inform authorities in advance of plans for protests or demonstrations.

During the year citizens generally exercised the right to assemble peacefully without restriction in areas of the country under government control. There were reports, however, that police at times used excessive force when dispersing protests. For example, on March 3, police destroyed a protest tent camp that had been set up near the parliament in October 2017. Police allegedly beat protesters and used tear gas against journalists. Nineteen persons sustained injuries (10 had head injuries and nine other types of physical injuries), including journalists from Radio Liberty, Hromadske TV, and the *Insider* news outlet. The journalists reported deliberate attacks by police despite the fact that they had clearly identified themselves as members of the press. According to the chief of the Kyiv police, investigators and police were lawfully investigating criminal acts in connection with protester attempts to seize the International Center for Culture and Arts in Kyiv in December 2017 and clashes at the parliament on February 27. Police initiated two criminal investigations on possible use of excessive force by officers and interference by police in the work of journalists who were attempting to record the event. The investigation continued as of December.

While the main 2018 Pride March in Kyiv was protected by thousands of police, police at times did not adequately protect smaller demonstrations, especially those organized by persons belonging to minority groups or opposition political movements. Events organized by women's rights activists or the LGBTI community were regularly disrupted by members of nationalist hate groups. On

March 8, members of right-wing groups attacked participants in public events in Uzhhorod, Lviv, and Kyiv aimed at raising awareness of women's rights and gender-based and domestic violence. Police launched investigations of the incidents. Police briefly detained attackers but no charges were filed.

In Russia-controlled territory, the HRMMU noted an absence of demonstrations because "people are concerned that they may be 'arrested' if they organize protests or assemblies against the policies" of Russia-led forces. The HRMMU also noted the only demonstrations permitted in these areas were ones in support of local "authorities," often apparently organized by Russia-led forces, with forced public participation.

### **Freedom of Association**

The constitution and law provide for freedom of association, and the government generally respected this right.

Human rights groups and international organizations continued to criticize sharply a law signed by the president in March 2017 that introduced vague and burdensome asset-reporting requirements for civil society organizations and journalists working on anticorruption matters. The law was widely seen as an intimidation and a revenge measure against the country's anticorruption watchdogs, which had successfully pushed for increased financial transparency for government officials. Heads and members of the boards of anticorruption NGOs had to submit their asset declarations by April 1. Observers continued to express concern that these asset declarations have the potential to endanger the staff of NGOs working on human rights and anticorruption, particularly if they work on issues related to Russian-occupied Crimea or areas of the Donbas controlled by Russia-led forces.

Human rights organizations reported a growing number of unsolved attacks on members of civil society organizations, which they believed created a climate of impunity. A September 26 joint statement by several dozen Ukrainian civic organizations stated that there had been more than 50 such attacks in the previous 12 months and accused the government of failing to investigate these crimes properly.

There were reports of incidents in which observers alleged that the government targeted activists for prosecution in retaliation for their professional activity. For example, several major human rights groups expressed concern about the

government's prosecution of Vitaliy Shabunin, head of the anticorruption NGO AntAC, which they alleged was selective and politically motivated. On January 15, authorities charged Shabunin with allegedly inflicting bodily harm on a journalist, a charge that carries a heavier penalty than the crime of inflicting intentional moderate bodily harm with which he had previously been charged in 2017. Both charges stemmed from an incident in June 2017 in which Shabunin allegedly punched Vsevolod Filimonenko, a supposed journalist who had reportedly harassed one of Shabunin's colleagues. Human rights groups noted that video footage of the events suggested that Filimonenko may have been sent by the country's security services to provoke a conflict with Shabunin and that the resources and vigor the government applied to prosecuting Shabunin far exceeded their usual approach to prosecuting attacks on journalists, including attacks where the resultant injuries were much more grave.

According to the HRMMU, in the territories controlled by Russia-led forces, domestic and international civil society organizations, including human rights defenders, could not operate freely. Residents informed the HRMMU they were being prosecuted (or feared being prosecuted) by the "ministry of state security" for their pro-Ukrainian views or previous affiliation with Ukrainian NGOs. If human rights groups attempted to work in those areas, they faced significant harassment and intimidation. The HRMMU also noted an increase in civil society organizations run by Russia-led forces, which appeared to require certain persons, such as public-sector employees, to join.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The constitution and law provide citizens with freedom of internal movement, foreign travel, emigration, and repatriation. The government, however, restricted these rights, particularly in the eastern part of the country near the zone of conflict.

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. International and domestic organizations reported the system for protecting asylum seekers, stateless persons, and other persons of concern did not operate effectively.

Abuse of Migrants, Refugees, and Stateless Persons: Authorities frequently detained asylum seekers for extended periods without court approval.

In-country Movement: The government and Russia-led forces strictly controlled movement between government-controlled areas and territories in the Donbas region controlled by Russia-led forces. Crossing the contact line remained arduous. Public passenger transportation remained prohibited.

While five crossing points existed, only four were in operation for much of the year. According to the HRMMU, between May and August, an average of 39,000 individuals crossed the line daily. The HRMMU reported that individuals crossing the contact line, predominantly the elderly and people with medical issues, had to spend several hours standing in line. According to the State Emergency Service of Ukraine in Luhansk Oblast, up to 100 persons experienced health incidents each day at the Stanytsia-Luhanska checkpoint between May and August.

The government used a pass system involving an online application process to control movement into government-controlled territory. Human rights groups expressed concern that many persons in Russia-controlled territory did not have access to the internet to obtain such passes and that the pass system imposed significant hardships on persons crossing into government-controlled territory, in particular those who sought to receive pensions and government benefits, which were not distributed in the territory controlled by Russia-led forces. As of April 2017, crossing permits no longer expire and residents of territory adjacent to the line of contact on the government-controlled side did not need a permit to cross.

The HRMMU repeatedly voiced concern over reports of corruption by checkpoint personnel on both sides, including demands for bribes or goods in exchange for easing passage across the line of contact. Russia-led forces continued to hinder freedom of movement in the eastern part of the country.

The government and Russian occupation authorities subjected individuals crossing between Russian-occupied Crimea and the mainland to strict passport controls at the administrative boundary between Kherson Oblast and Crimea. Authorities prohibited rail and commercial bus service across the administrative boundary, requiring persons either to cross on foot or by private vehicle. Long lines and insufficient access to toilets, shelter, and potable water remained prevalent. Civil society, journalists, and independent defense lawyers continued to maintain that the government placed significant barriers to their entry to Crimea, including

lengthy processes to obtain required permissions, thereby complicating their ability to document and address abuses taking place there.

### **Internally Displaced Persons (IDPs)**

According to the Ministry of Social Policy, as of late September more than 1.5 million persons were registered IDPs due to Russia's aggression in eastern Ukraine and the occupation of Crimea. Some NGOs and international organizations estimated the number to be lower, since some persons returned to their homes after registering as IDPs, while others registered while still living in the conflict zone. The largest number of IDPs resided in areas immediately adjoining the conflict zones, in government-controlled areas of Donetsk and Luhansk Oblasts as well as in Kharkiv, Dnipropetrovsk, and Zaporizhzhya Oblasts. Many resided in areas close to the line of contact in the hope they would be able to return home.

The government granted social entitlements only to those individuals who had registered as IDPs. By law, IDPs are eligible to receive payments of 880 hryvnias (\$33) per month for children and persons with disabilities and 440 hryvnias (\$16) per month for those able to work. Families may receive no more than 2,400 hryvnias (\$89) per month. According to the law, the government should provide IDPs with housing, but authorities did not take effective steps to do so. On October 10, the president signed a law providing for the priority provision of social housing for IDPs with disabilities. Humanitarian aid groups had good access to areas under government control.

Housing, employment, and payment of social benefits and pensions remained the greatest concerns among IDPs. Local departments of the Ministry of Social Policy regularly suspended payment of pensions and benefits pending verification of their recipients' physical presence in government-controlled territories, ostensibly to combat fraud, requiring recipients to go through a burdensome reinstatement process.

According to the HRMMU, the government applied the IDP verification procedure broadly. The suspensions affected the majority of IDP residents in government-controlled territory, as well as most residents of Russia-controlled areas; effects were especially acute for the elderly and disabled, whose limited mobility hindered their ability to verify whether they were included in the lists or to prove their residency. The government often suspended payments without notification, and IDPs reported problems having them reinstated. On September 4, the Supreme

Court ruled that the verification requirement did not constitute lawful grounds for termination of pension payments.

According to research conducted by the International Organization for Migration (IOM), 59 percent of surveyed IDP households relied on government support as one of their main sources of income. More than 15 percent of IDP respondents indicated their social payments had been suspended.

IDPs were unable to vote in local elections unless they changed their registration to their new place of residence.

According to the HRMMU, IDP integration remained impeded by the lack of a government strategy and the consequent absence of allocation of financial resources, leading to IDPs' economic and social marginalization. Local civil society organizations and international humanitarian organizations provided the bulk of assistance for IDPs on a temporary basis. NGOs reported their ability to support IDPs was limited and nearing exhaustion. UN agencies reported the influx of IDPs led to tensions arising from competition for scarce resources. Critics accused internally displaced men who moved to western areas of the country of evading military service, while competition rose for housing, employment, and educational opportunities in Kyiv and Lviv.

A shortage of employment opportunities and the generally weak economy particularly affected IDPs, forcing many to live in inadequate housing, such as collective centers and other temporary accommodations. Other IDPs stayed with host families, volunteers, and in private accommodations, although affordable private accommodations were often in poor condition.

NGOs reported employment discrimination against IDPs. Some IDPs, particularly those in government-controlled areas of Donetsk and Luhansk Oblasts, lacked sufficient sanitation, shelter, and access to potable water. IDPs continued to have difficulty obtaining education, medical care, and necessary documents. Romani activists expressed concern that some Roma in eastern areas could not afford to flee conflict areas, while others had no choice but to leave their homes.

In 2015 the Kyiv Administrative Court of Appeal overturned a National Bank decision that Crimean IDPs were nonresidents, which had restricted access to banking and financial services for those fleeing the Russian occupation. Nonetheless, media reports indicated that banks continued to restrict banking services for Crimean IDPs even after the court decision.

## Protection of Refugees

Refoulement: The government often did not provide for protection against the expulsion or return of asylum seekers to a country where there was reason to believe their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. For example on September 12, the Prosecutor General's Office authorized the extradition of a Russian citizen, Timur Tumgoyev, to the Russian Federation, which subsequently prosecuted him on terrorism charges. According to press reports, Tumgoyev had been in the country since 2016, had apparently fought in a progovernment battalion in the Donbas, and had requested asylum. The UN Human Rights Committee had previously called on the country's authorities to halt Tumgoyev's extradition pending consideration of his assertion that he would face torture if forcibly returned. On September 19, the Prosecutor General's Office opened an investigation into whether there had been criminal negligence on the part of the state agencies involved in Tumgoyev's extradition. On October 6, the Russian press reported that Tumgoyev had been severely beaten in detention in Russia.

There were also allegations that officials deported some individuals to countries where they were at risk of imprisonment without providing an opportunity for them to apply for asylum. For example on July 12, the SBU in Mykolaiv detained Turkish opposition journalist Yusuf Inan, who had a permanent residence permit in Ukraine. On July 13, a Mykolaiv court ruled to extradite him to Turkey, where he was wanted on charges of being a member of the Gulen movement. According to press reports, authorities immediately transported Inan to Turkey, denying him the ability to appeal the court decision or apply for asylum.

Access to Asylum: The law provides for asylum or refugee status, and the government has established a legal system to protect refugees. Protection for refugees and asylum seekers was insufficient due to gaps in the law and the system of implementation. As of July 1, only seven persons had received refugee status since the start of the year. The country is a transit and destination country for asylum seekers and refugees, principally from Afghanistan, the Russian Federation, Bangladesh, Syria, and Iraq.

Human rights groups noted that the refugee law falls short of international standards due to its restrictive definition of a refugee. The law permits authorities to reject many asylum applications without a thorough case assessment. In other

instances government officials declined to accept initial asylum applications without a legal basis, leaving asylum seekers without documentation and vulnerable to frequent police stops, fines, detention, and exploitation. Asylum seekers in detention centers were sometimes unable to apply for refugee status within the prescribed time limits and had limited access to legal and other assistance. Asylum seekers have five days to appeal an order of detention or deportation.

A lack of access to qualified interpreters also hampered the full range of asylum procedures. International observers noted the government did not provide resources for interpreters, which created opportunities for corruption and undermined the fairness of asylum application procedures.

Employment: Most asylum seekers were unable to obtain a work permit as required by law. Some asylum seekers worked illegally, increasing their risk of exploitation.

Access to Basic Services: The national plan on the integration of refugees adopted by the government did not allocate resources for its implementation. A UNHCR report indicated all newly recognized refugees received a one-time grant of approximately 30 hryvnias (\$1.10). Some reports, however, indicated the government did not always provide payment.

Temporary accommodation centers had a reception capacity of 421. Asylum seekers living outside an official temporary accommodation center often experienced difficulties obtaining residence registration, and authorities regularly fined them more than 500 hryvnias (\$19) because they lacked registration. According to the State Migration Service, refugees and those seeking complementary protection could receive residence registration at homeless shelters for up to six months.

According to UNHCR, gaps in housing and social support for unaccompanied children left many without access to state-run accommodation centers or children's shelters. Many children had to rely on informal networks for food, shelter, and other needs and remained vulnerable to abuse, trafficking, and other forms of exploitation. UNHCR noted a lack of educational programs and vocational activities for those in detention for extended periods.

Temporary Protection: The government also provided temporary protection ("complementary protection") to individuals who may not qualify as refugees; as

of July 1, authorities had provided complementary protection to 37 persons during the year, bringing the overall total to 739.

### **Stateless Persons**

UNHCR estimated there were 35,463 stateless persons in the country at year's end. Persons who were either stateless or at risk of statelessness included Roma, homeless persons, current and former prisoners, and persons over 50 who never obtained a Ukrainian personal identification document after the fall of the Soviet Union and were no longer able to obtain one.

The law requires establishing identity through a court procedure, which demanded more time and money than some applicants had. UNHCR reported Roma were at particular risk for statelessness, since many did not have birth certificates or any other type of documentation to verify their identity. Homeless persons had difficulty obtaining citizenship because of a requirement to produce a document testifying to one's residence.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: In 2014 citizens elected Petro Poroshenko president in an election considered free and fair by international and domestic observers. The country held early legislative elections in 2014 that observers also considered free and fair.

Political Parties and Political Participation: The Communist Party remains banned.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process, and they did participate.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption. Authorities did not effectively implement the law, and many officials engaged in corrupt practices with impunity.

While the number of reports of government corruption was low, corruption remained pervasive at all levels in the executive, legislative, and judicial branches of government.

On June 26, the president signed the Law on the High Anticorruption Court (HACC); on August 2, he signed an amendment to the law that clarified the HACC appeals processes. Observers noted that the HACC's creation completed the country's system of bodies to fight high-level corruption. Its success will depend on the integrity of the selection procedures for its judges as well as on the effectiveness and independence of the other two previously created anticorruption agencies, the National Anticorruption Bureau (NABU) and the Special Anticorruption Prosecutor (SAP). The process for selecting HACC judges began in August. In November anticorruption watchdogs expressed concern about apparent limitations on the work of an international expert panel that the law mandates participate in the HACC judge selection process to ensure the integrity of candidates.

The new independent anticorruption bodies faced political pressure that undermined public trust, raised concern about the government's commitment to fighting corruption, and threatened the viability of the institutions. Anticorruption watchdogs noted that several appointments to NABU's audit board during the year were seen as personally loyal to the president and posing a threat to NABU's independence. Observers alleged that the release of leaked conversations by the head of SAP in early 2018 indicated he had engaged in witness tampering and obstruction of justice. He refused to resign, was not disciplined by the Prosecutor General or prosecutorial body, and allegedly proceeded to undermine NABU investigations, weakening efforts to hold high-ranking officials to account.

Corruption: While the government publicized several attempts to combat corruption, it remained a serious problem for citizens and businesses alike.

On February 13, NABU arrested Odesa Mayor Hennadiy Trukhanov and three city council deputies, who were charged with embezzlement and causing financial damage to the state. He was released on bail on February 15. According to NABU, Trukhanov and his associates profited from a fraud scheme in which the Odesa city government bought a building from a fictitious private company for 185 million hryvnias (\$6.9 million) in 2016. That company, allegedly beneficially owned by Trukhanov and associates, had allegedly bought the building just months earlier from the Odesa city government for just 11.5 million hryvnias (\$430,000) at

an auction and had made millions of dollars in illicit profit from the resale. A court began reviewing the case on November 14.

Financial Disclosure: The law mandates the filing of income and expenditure declarations by public officials, and a special review process allows for public access to declarations and sets penalties for either not filing or filing a false declaration. By law, the National Agency for the Prevention of Corruption (NAPC) is responsible for reviewing financial declarations, monitoring the income and expenditures of high-level officials, and checking party finances. Observers increasingly questioned, however, whether the NAPC had the capacity and independence to fulfill this function, noting that in practice NABU had proven to be more effective for oversight of declarations, even though this was not its core mandate. In July, Transparency International Ukraine noted that the NAPC had fully reviewed only 300 declarations out of 2.5 million that had been submitted and had identified multiple serious holes in its verification procedures. On September 25, the NAPC launched “automated” verification of declarations, which would purportedly allow easier identification of declarations at “high risk” of fraud. Observers noted serious flaws in this automated procedure and doubted it would result in improved verification. Observers noted that the NAPC’s December announcement that it would open criminal cases regarding party financing against the lead opposition party Batkivshchyna and several minor parties after years of general inactivity raised concerns that it might be used for political purposes ahead of the 2019 election cycle.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. During the year burdensome new reporting requirements on NGOs working on anticorruption matters came into effect. The requirements were adopted in 2017 in apparent retaliation for the NGOs’ activities (see section 2.b., Freedom of Association).

Authorities in Russia-controlled areas in eastern Ukraine routinely denied access to domestic and international civil society organizations. If human rights groups attempted to work in those areas, they faced significant harassment and intimidation (see section 2.b., Freedom of Association).

Government Human Rights Bodies: The constitution provides for a human rights ombudsman, officially designated as legislative commissioner on human rights. The Human Rights Ombudsman's Office frequently collaborated with NGOs through civic advisory councils on various projects for monitoring human rights practices in prisons and other government institutions.

The Ombudsman's Office collaborated with leading domestic human rights groups and acted as an advocate on behalf of Crimean Tatars, IDPs, Roma, persons with disabilities, LGBTI individuals, and prison inmates.

On March 15, the parliament appointed Lyudmila Denisova parliamentary commissioner for human rights. The office of the Human Rights Ombudsman cooperated with NGOs on various projects to monitor human rights practices in various institutions, including detention facilities, orphanages and boarding schools for children, and geriatric institutions. Denisova took a proactive stance advocating on behalf of political prisoners held by Russia, Crimean Tatars, Roma, IDPs, and persons with disabilities.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

During the year, human rights groups expressed growing concern about an increasingly organized set of nationalist hate groups committing violent attacks on ethnic minorities (especially Roma), LGBTI persons, feminists, and other individuals they considered to be "un-Ukrainian" or "anti-Ukrainian." The HRMMU noted that the failure of police and prosecutors to prevent these acts of violence, properly classify them as hate crimes, and effectively investigate and prosecute them created an environment of impunity and lack of justice for victims. A June 13 joint open letter to Ukrainian authorities from Human Rights Watch, Freedom House, Amnesty International, and Frontline Defenders also expressed concerns about the spike in attacks and impunity, and noted "the inadequate response from the authorities sends a message that such acts are tolerated."

Investigative journalists exposed several instances during the year in which the government provided grant funds to or cooperated with hate groups. On June 8, the Ministry of Youth and Sport announced that it would award C14, a nationalist hate group, 440,000 hryvnia (\$17,000) to hold a youth summer camp. The ministry later justified the decision by stating that it provided the funds only for specific project activities that were not violent. Media outlets reported that C14 and other hate groups had entered into formal agreements with municipal authorities in Kyiv and other cities to form "municipal guard" patrol units to

provide public security. In a December 2017 media interview, the head of C14 described cooperation with the SBU and police (see section 1.d.).

## Women

Rape and Domestic Violence: The law prohibits rape of men or women. The penalty for rape is three to 15 years imprisonment. Sexual assault and rape continued to be significant problems.

On January 4, the president signed a new law, On Preventing and Combating Domestic Violence, which came into force on January 7. It introduced a new legal concept of domestic violence and called for the creation of a unified state register to monitor cases of domestic violence. Under the law, an offender is liable for compulsory community service, or a two to eight year prison term.

Domestic violence against women remained a serious problem. Spousal abuse was common. According to the Ministry of Internal Affairs, 651 cases of domestic violence were registered during the first nine months of the year. Police issued approximately 68,000 domestic violence warnings and protection orders during the first nine months of the year. Punishment included fines, emergency restraining orders of up to 10 days, ordinary restraining orders from one to six months, administrative arrest, and community service. Human rights groups noted that the ability of agencies to detect and report cases of domestic violence was limited. Human rights groups asserted that law enforcement often did not consider domestic violence to be a serious crime but rather a private matter to be settled between spouses, but also noted that police were starting to take the problem more seriously.

On November 5, police in Vinnytsia Oblast arrested 54-year old Petro Putsak for starving his 78-year old mother. Neighbors reported that he locked his mother in the house, deprived her of medical help and would occasionally beat her when demanding money. The woman was taken to the intensive care unit of a local hospital. Police were in the process of investigating the case.

According to the NGO La Strada, the conflict in the Donbas region led to a surge in violence against women across the country. Human rights groups attributed the increase in violence to posttraumatic stress experienced by IDPs fleeing the conflict and by soldiers returning from combat. IDPs reported instances of rape and sexual abuse; many claimed to have fled areas controlled by Russia-led forces because they feared sexual abuse.

Although the law requires the government to operate a shelter in every major city, it did not do so. Social services centers monitored families in matters related to domestic violence and child abuse.

Sexual Harassment: While the law prohibits coercing a “materially dependent person” to have sexual intercourse, legal experts stated that safeguards against harassment were inadequate. The law puts sexual harassment in the same category as discrimination and sets penalties from a fine of up to three years in prison. Women’s rights groups reported continuing and widespread sexual harassment, including coerced sex, in the workplace. Women rarely sought legal recourse because courts declined to hear their cases and rarely convicted perpetrators.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides that women enjoy the same rights as men. Nevertheless, women experienced discrimination in employment. According to the government commissioner on gender policy, women received 30 percent lower salaries than men. In December 2017 the Ministry of Health removed 450 occupations from a list of occupations prohibited for women; 50 occupations remained on the list, however. In April the government approved the *State Social Program for Equal Rights and Opportunities for Women and Men*, which aimed to ensure access of men and women to employment, achieve balanced participation of women and men in political and public decision-making, to bridge the gap in salary payments, and to adopt appropriate regulations to achieve gender mainstreaming in all policies.

In September the parliament approved the Law on Ensuring Equal Rights and Opportunities for Women and Men Serving in the Ukrainian Armed Forces and Other Military Institutions, which provided for gender equality related to military service. The bill was aimed at ensuring gender equality and combating gender-based discrimination in the security and defense sectors, including the recognition and compensation of women’s service in combat roles and the ability for women to receive an education at military academies (see also section 7.d.).

## **Children**

Birth Registration: Either birth in the country or to Ukrainian parents conveys citizenship. A child born to stateless parents residing permanently in the country is

a citizen. The law requires that parents register a child within a month of birth, and failure to register sometimes resulted in denial of public services.

Registration of children born in Crimea or Russia-controlled areas in Donbas remained difficult. Authorities required hospital paperwork to register births. Russia-backed “authorities” routinely kept such paperwork if parents registered children in territories under their control, making it difficult for the child to obtain a Ukrainian birth certificate. In addition, authorities did not recognize documents issued by Russian occupation authorities in Crimea or “authorities” in territories controlled by Russia-led forces. Persons living in Crimea and parts of Russia-controlled Donbas had to turn to Ukrainian courts with birth or death documents issued by occupational authorities in order to receive Ukrainian documents. The courts were obliged to make rulings in 24 hours; these decisions were then carried out by the registry office. Due to the lack of judges in local courts, Ukrainians living in regions occupied by Russia and Russian-led forces faced serious difficulty in obtaining Ukrainian documents.

Child Abuse: Penalties for child abuse range from three years to life depending on severity. The law “On Children Protection from Sexual Abuse and Sexual Exploitation,” which amended the Criminal Code of Ukraine to criminalize sexual relations between adults and persons who have not reached the age of 16, came into force on April 18. The law calls for imprisonment of up to five years for those who engage in sexual relations with a child younger than 16.

Human rights groups noted authorities lacked the capability to detect violence against children and refer victims for assistance. Preventive services remained underdeveloped. There were also instances of forced labor involving children (see section 7.c.).

Authorities did not take effective measures at the national level to protect children from abuse and violence and to prevent such problems. The ombudsman for human rights noted the imperfection of mechanisms to protect children who survived or witnessed violence, in particular violence committed by their parents. According to the law, parents were the legal representatives of their children, even if they perpetrated violence against them. There is no procedure for appointing a temporary legal representative for a child during the investigation of alleged parental violence.

In early November a two-year old boy was taken to the intensive care unit in Kyiv. According to the police, his stepfather brutally beat him. Police began

investigating the incident and the child was removed from the family pending conclusion of the investigation.

Early and Forced Marriage: The minimum age for marriage is 18. A court may grant a child as young as 16 permission to marry if it finds marriage to be in the child's interest. Romani rights groups reported that early marriages involving girls under the age of 18 were common in the Romani community.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, the sale of children, offering or procuring a child for child prostitution, and practices related to child pornography. The minimum prison sentence for child rape is 10 years. Molesting a child younger than 16 is punishable by imprisonment for up to five years. The same offense committed against a child younger than 14 is punishable by imprisonment for five to eight years. The age of consent is 16.

Sexual exploitation of children, however, remained significantly underreported. Commercial sexual exploitation of children remained a serious problem.

Domestic and foreign law enforcement officials reported that a significant amount of child pornography on the internet continued to originate in the country. The IOM reported that children from socially disadvantaged families and those in state custody continued to be at high risk of trafficking, including for commercial sexual exploitation and the production of pornography. For example on June 13 in Kryvyi Rih, police arrested a couple who repeatedly raped their daughter. They allegedly recorded the child's abuse and sold videos of it over the internet. According to police, the father had abused the four-year-old child since she was two. The girl's 30-year-old mother did nothing to stop her husband from abusing and molesting the child. The child was placed in a local rehabilitation center. An investigation was underway as of year's end.

Displaced Children: The majority of IDP children were from Donetsk and Luhansk Oblasts. According to the Ministry of Social Policy, authorities registered more than 240,000 children as IDPs. Human rights groups believed this number was low.

Institutionalized Children: The child welfare system continued to rely on long-term residential care for children at social risk or without parental care, although the number of residential-care institutions continued to drop. Government policies to address the abandonment of children reduced the number of children deprived of

parental care. In August 2017 the government approved a national strategy for 2017-2026 intended to transform the institutionalized childcare system into one that provides a family-based or family-like environment for children.

Human rights groups and media outlets reported unsafe, inhuman, and sometimes life-threatening conditions in some institutions. Officials of several state-run institutions and orphanages were allegedly complicit or willfully negligent in the sex and labor trafficking of girls and boys under their care.

On August 6, Odesa Oblast police launched an investigation into alleged cases of child abuse in a local orphanage. The investigation began after a five-year old girl reported numerous cases of humiliation and violence from orphanage staff. The police initiated investigation.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

### **Anti-Semitism**

According to census data and international Jewish groups, an estimated 103,600 Jews lived in the country, constituting approximately 0.2 percent of the population. According to the Association of Jewish Organizations and Communities (VAAD), there were approximately 300,000 persons of Jewish ancestry in the country, although the number might be higher. Before the Russian aggression in eastern Ukraine, according to VAAD, approximately 30,000 Jews lived in the Donbas region. Jewish groups estimated that between 10,000 and 15,000 Jews lived in Crimea before Russia's attempted annexation.

According to the National Minority Rights Monitoring Group (NMRMG), like in 2017 no cases of suspected anti-Semitic violence were recorded as of November 30. The last recorded anti-Semitic violence against individuals occurred in 2016. The NMRMG recorded approximately 11 cases of anti-Semitic vandalism as of November 30, compared with 24 incidents in 2017. According to NMRMG, the drop in violence and anti-Semitic vandalism was due to better police work and prosecution of those committing anti-Semitic acts.

Graffiti swastikas continued to appear in Kyiv, Lviv, Poltava, and other cities. On April 27-28, unidentified individuals smashed windows and scattered prayer books at the ohel (a structure built over the grave of a righteous Jew) at the grave of renowned 17th century Rabbi Shmuel Eidels in Ostroh, Rivne Oblast. Police opened an investigation. Jewish organizations expressed concern about the continued existence of Krakivsky Market and new construction atop a historic Jewish cemetery in Lviv. There were reportedly several anti-Semitic incidents targeting the Babyn Yar memorial during the year.

In other manifestations of anti-Semitism during the year, nationalists in Odesa chanted anti-Semitic slogans during a March of Ukrainian Order on May 3. Tetyana Soykina, head of the local chapter of the Right Sector, a far-right party, said, “We will restore order in Ukraine, Ukraine will belong to Ukrainians, not Jews and oligarchs,” using a pejorative term for Jews. The Ukrainian Jewish Committee condemned an April 28 march sponsored by nationalist organizations honoring the local volunteers who were in the Nazi Waffen SS during the Holocaust. The march featured Nazi symbols and salutes. On April 13, police detained two individuals who were removing gold from mass graves of Jews from the Holocaust in the town of Nemyriv in Vinnytsia Oblast.

In mid-May the Ukrainian consul in Hamburg published anti-Semitic statements in his Facebook account; on May 30, the Ministry of Foreign Affairs fired him for the posts. On June 25, Anatoliy Matios, the country’s chief military prosecutor, espoused anti-Semitic conspiracy theories in a media interview, suggesting that Jews want to drown ethnic Slavs in blood and finance world conflicts. Authorities took no action against Matios for the remarks.

In line with the country’s 2015 decommunization and denazification law, authorities continued to rename Communist-era streets, bridges, and monuments in honor of 20th century Ukrainian nationalists, some of whom were associated with anti-Semitism.

### **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government did not effectively enforce these provisions. The law requires the government to provide access to public venues, health services, information, communications, transportation, and the judicial system and opportunities for involvement in public, educational, cultural, and sporting activities for persons with disabilities. The law also requires employers to take into account the individual needs of employees with disabilities. The government generally did not enforce these laws.

Advocacy groups maintained that, despite the legal requirements, most public buildings remained inaccessible to persons with disabilities. Access to employment, education, health care, transportation, and financial services remained difficult (see section 7.d.).

Patients in mental health facilities remained at risk of abuse, and many psychiatric hospitals continued to use outdated methods and medicines. In February several patients of a psychiatric institution in Veselynivka, Zaporizhzhya Oblast complained of unbearable conditions and treatment by the staff who allegedly beat and verbally abused them and locked them in a closet. The director of the institution was suspended from his duties. The local prosecutor's office opened an investigation.

In general, law enforcement took appropriate measures to punish those responsible for violence and abuses against persons with disabilities.

By law, employers must set aside 4 percent of employment opportunities for persons with disabilities. NGOs noted that many of those employed to satisfy the requirement received nominal salaries but did not actually perform work at their companies

Based on a law adopted in 2017, starting September 1, every child with a disability had the right to study at regular secondary schools. On September 6, parliament approved amendments to a separate law regarding access of persons with disabilities to education. It called for the creation of inclusive groups in preschool facilities, secondary and vocational schools, and colleges. According to the President's Commissioner for the rights of children, 12,000 children with disabilities went to regular schools within the program of inclusive education.

Persons with disabilities in Russia-controlled areas in the east of the country suffered from a lack of appropriate care.

## **National/Racial/Ethnic Minorities**

Mistreatment of members of minority groups and harassment of foreigners of non-Slavic appearance remained problems. NGOs dedicated to combating racism and hate crimes observed that overall xenophobic incidents increased considerably during the year.

Human rights organizations stated that the requirement to prove actual intent, including proof of premeditation, to secure a conviction made it difficult to apply the laws against offenses motivated by racial, national, or religious hatred. Authorities opened two criminal proceedings under the laws on racial, national, or religious offenses during the year. Police and prosecutors continued to prosecute racially motivated crimes under laws against hooliganism or related offenses.

There were numerous reports of societal violence against Roma during the year, often perpetrated by known members of violent nationalist hate groups. In some instances, police declined to intervene to stop violence. On July 18, three UN special rapporteurs released a statement calling on the government to take immediate action to stop “what amounts to a systematic persecution” of the country’s Romani minority.

For example on June 24, a group of masked men armed with batons and other weapons attacked a Romani camp on the outskirts of Lviv. A 24-year-old man died of stab wounds; four others, including a 10-year-old boy, were injured. Police detained eight individuals after the attack. They were members of the neo-Nazi group *Tvereza i Zla Molod* (Sober and Angry Youth). Seven of them were charged with hooliganism and one, twenty-year-old Andriy Tychko, was charged with premeditated murder. An investigation continued at year’s end. During the year there were attacks on Romani settlements in Kyiv, Lviv, Ternopil, Berehove, Uzhhorod, Mukacheve, and Zolotonosha.

Roma continued to face governmental and societal discrimination and significant barriers accessing education, health care, social services, and employment. According to the Romani women’s foundation, Chirikli, local authorities erected a number of barriers to prevent issuing national identification documents to Roma. Authorities hampered access to education for persons who lacked documents and segregated Romani children into special schools or lower-quality classrooms.

During the year many Roma fled settlements in areas controlled by Russia-led forces and moved elsewhere in the country. According to Chirikli approximately 10,000 Roma were among the most vulnerable members of the country's IDP population. Because many Roma lacked documents, obtaining IDP assistance, medical care, and education was especially difficult.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The labor code prohibits workplace discrimination on the basis of sexual orientation or gender identity. No law, however, prohibits such discrimination in other areas, and discrimination was reportedly widespread in employment, housing, education, and other sectors.

There was frequent violence against LGBTI persons, and authorities often did not adequately investigate these cases or hold perpetrators to account. An increase in attacks was due to increasingly active nationalist hate groups (see national minorities above). The HRMMU noted that attacks against members of the LGBTI community and other minorities were rarely classified under criminal provisions pertaining to hate crimes, which carried heavier penalties. Crimes and discrimination against LGBTI persons remained underreported.

For example on June 30, about 10 unidentified young persons attacked Boris Zolotchenko, the head of the organizing committee of the Kryvbas Equality march. Witnesses called police, who refused to come to the crime scene. An investigation into a prior attack on Zolotchenko that took place in January in which five unknown men beat him was closed due to "lack of suspects."

According to the LGBTI rights group Nash Mir, nationalist hate groups consistently tried to disrupt LGBTI events with violence or threats of violence. For example, on May 10, members of a nationalist hate group disrupted a public discussion in Kyiv on LGBTI rights in Russia. More than 20 men arrived at the venue and threatened participants with violence unless they left. The venue owner joined in the calls and told the organizers to cancel the event and vacate the premises. Police officers present on the site refused to intervene.

Although leading politicians and ministers condemned attacks on LGBTI gatherings and individuals, officials sometimes failed to protect LGBTI persons. Transgender persons continued to face discrimination and violence. On August 19, an unknown person made homophobic remarks and beat transgender activist

Anastasia Kristel Domani. Police opened an investigation for minor assault charges, but as of late November had made no arrests.

Transgender persons reported difficulties obtaining official documents reflecting their gender identity, which resulted in discrimination in health care, education, and other areas.

According to Nash Mir, the situation of LGBTI persons in Russia-controlled parts of the Donetsk and Luhansk Oblasts. Most LGBTI persons either fled or hid their sexual orientation or gender identity.

### **HIV and AIDS Social Stigma**

Stigma and discrimination in health-care centers were barriers to HIV-positive individuals' receiving medical services. UNICEF reported that children with HIV/AIDS were at high risk of abandonment, social stigma, and discrimination. Authorities prevented many children infected with HIV/AIDS from attending kindergartens or schools. Persons with HIV/AIDS faced discrimination in housing and employment.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution provides for freedom of association as a fundamental right and establishes the right to participate in independent trade unions. The law provides the right for most workers to form and join independent unions, to bargain collectively, and to conduct legal strikes. There are no laws or legal mechanisms to prevent antiunion discrimination, although the labor code requires employers to provide justification for layoffs and firings, and union activity is not an acceptable justification. Legal recourse is available for reinstatement, back wages, and punitive damages, although observers describe court enforcement as arbitrary and unpredictable, with damages too low to create incentives for compliance on the part of employers.

The law contains several limits to freedom of association and the right to collective bargaining. A number of laws that apply to worker organizations are excessively complex and contradictory. For example the status of trade unions under two laws provides they are considered legal entities only after state registration. Under another law, however, a trade union is considered a legal entity upon adoption of

its statute. The inherent conflict between these laws creates obstacles for workers seeking to form trade unions. Unions also reported significant bureaucratic hurdles in the registration process, including the payment of notary fees and requirements to visit as many as 10 different offices. Moreover, independent unions have reported multiple incidents of harassment by local law enforcement officials while navigating the registration process, including atypical and irregular requests for documentation and membership information.

The legal procedure to initiate a strike is complex and severely hinders strike action, artificially lowering the numbers of informal industrial actions. The legal process for industrial disputes requires consideration, conciliation, and labor arbitration allowing involved parties to draw out the process for months. Only after completion of this process can workers vote to strike, a decision that courts may still block. The right to strike is further restricted by the requirement that a large percentage of the workforce (two-thirds of general workers' meeting delegates or 50 percent of workers in an enterprise) must vote in favor of a strike before it may be called. The government is allowed to deny workers the right to strike on national security grounds or to protect the health or "rights and liberties" of citizens. The law prohibits strikes by broad categories of workers, including personnel in the Office of the Prosecutor General, the judiciary, the armed forces, the security services, law enforcement agencies, the transportation sector, and the public service sector.

Legal hurdles made it difficult for independent unions that were not affiliated with the Federation of Trade Unions of Ukraine (FPU) to take part in tripartite negotiations, participate in social insurance programs, or represent labor at the national and international levels. The legal hurdles resulting from an obsolete labor code hindered the ability of smaller independent unions to represent their members effectively. Authorities did not enforce labor laws effectively or consistently. Trade unions expressed concern that the labor inspectorate lacked funding, technical capacity, and sufficient professional staffing to conduct independent inspections effectively (see section 7.e.).

Worker rights advocates continued to note concerns for the independence of unions from government or employer control. Independent trade unions alleged that the country's largest trade union confederation, the FPU, enjoyed a close relationship with employers and members of some political parties. Authorities further denied unions not affiliated with the FPU a share of disputed trade union assets inherited by the FPU from Soviet-era unions, a dispute dating back more than two decades.

Independent union representatives continued to be the subjects of violence and intimidation, and reported that local law enforcement officials frequently ignored or facilitated violations of their rights. Worker advocates reported an increase in retaliation against trade union members involved in anticorruption activities at their workplaces.

In April unidentified assailants assaulted a doctor, who was also a trade union activist and whistleblower, in Kyiv. The assault was the second in a series of attacks that followed the doctor's official and public statements regarding widespread corruption in the healthcare sector.

Trade unions also reported unidentified assailants assaulted a railway inspector who was a union activist in Kryvyi Rih in April. The Independent Railworker's Union reported that it believed the attack was related to anticorruption activity by the local union chapter.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits most forms of forced or compulsory labor. Penalties for violations were sufficiently stringent to deter violations, but resources, inspections, and remediation were inadequate to provide for enforcement.

During the year the IOM responded to numerous instances of compulsory labor, to include pornography, criminal activity, labor exploitation, begging, and sexual and other forms of exploitation. There were also reports of trafficking of women, men, and children for labor in construction, agriculture, manufacturing, services, the lumber industry, nursing, and street begging. Annual reports on government action to prevent the use of forced labor in public procurement indicated that the government has not taken action to investigate its own supply chains for evidence of modern slavery. Traffickers subjected some children to forced labor (see section 7.c.).

According to the IOM, identified victims of trafficking received comprehensive reintegration assistance, including legal aid, medical care, psychological counseling, financial support, vocational training, and other types of assistance based on individual needs.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for most employment is 16, but children who are 14 may perform undefined “light work” with a parent’s consent. While the law prohibits the worst forms of child labor, it does not always provide inspectors sufficient authority to conduct inspections.

From January to August, the State Service on Labor conducted 2,614 inspections to investigate compliance with child labor laws. The inspections identified 72 organizations engaged in child labor activities. Of these, 24 were in the service sector, seven in the industrial sector, six in the agricultural sector, and 35 in other areas. The inspections uncovered 40 cases of undeclared labor, one child working in hazardous conditions, and six minors receiving undeclared wages. Increased child labor in amber mining was a growing problem, according to reports by international labor groups.

The most frequent violations of child labor laws concerned work under hazardous conditions, long workdays, failure to maintain accurate work records, and delayed salary payments. Child labor in illegal mining of coal and amber in the territories controlled by Russia-led forces grew during the year. The government established institutional mechanisms for the enforcement of laws and regulations on child labor. The exceptionally low number of worksite inspections conducted at the national level, however, impeded the enforcement of child labor laws.

Penalties for violations of the child labor laws ranged from small fines for illegitimate employment to prison sentences for sexual exploitation of a child; as in previous years, some observers believed these punishments were insufficient to deter violations.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

### **d. Discrimination with Respect to Employment and Occupation**

The labor code prohibits workplace discrimination on the basis of race, color, political, religious and other beliefs, sex, gender identity, sexual orientation, ethnic, social, and foreign origin, age, health, disability, HIV/AIDS condition, family and property status, or linguistic or other grounds.

The government did not always enforce the law, and employment discrimination reportedly occurred with respect to gender, disability, nationality, race, minority status, sexual orientation or gender identity, and HIV-positive status. The agriculture, construction, mining, heavy industry, and services sectors had the most work-related discrimination. The law provides for civil, administrative, and criminal liability for discrimination in the workplace. Penalties include a fine of up to 50 tax-free minimum incomes, correctional labor for a term of up to two years, restraint of liberty for up to five years, and restriction on engaging in certain activities for a period of up to three years. When accompanied by violence, employment discrimination violations are punishable by correctional labor for a term of up to two years or imprisonment for a term of up to five years if such actions were committed by an organized group of persons or if they caused death or other grave consequences.

Women received lower salaries due to limited opportunities for advancement and the types of industries that employed them. According to the State Statistics Office, men earned on average 26 percent more than women. The gap was not caused by direct discrimination in the setting of wages, but by horizontal and vertical stratification of the labor market: Women were more likely to work in lower-paid sectors of the economy and in lower positions. Women held fewer elected or appointed offices at the national and regional levels (40 percent).

#### **e. Acceptable Conditions of Work**

The country's annual budget establishes a government-mandated national minimum wage. The minimum wage increased to 3,723 hryvnias per month (\$133) during the year from 3,200 hryvnias per month (\$125) in 2017. The monthly minimum wage is above the poverty income level, which stood at 1,777 hryvnias (\$65.80) in July and will rise to 1,853 hryvnias (\$66.20) on December 1. Some shadow employees received wages below the established minimum.

The labor law provides for a maximum 40-hour workweek, with a minimum 42-hour period of rest per week and at least 24 days of paid vacation per year. It provides for double pay for overtime work and regulates the number of overtime hours allowed. The law requires agreement between employers and local trade union organization on overtime work and limits overtime to four hours during two consecutive days and 120 hours per year.

The law requires employers to provide workplace safety standards. Employers must meet occupational safety and health standards but at times ignored these

regulations due to the lack of enforcement or strict imposition of penalties. The law provides workers the right to remove themselves from dangerous working conditions without jeopardizing their continued employment. According to one NGO, employers in the metal and mining industries often violated the rule and retaliated against workers by pressuring them to quit.

Wage arrears continued to be a major problem during the year. A lack of legal remedies, bureaucratic wrangling, and corruption in public and private enterprises, blocked efforts to recover overdue wages, leading to significant wage theft. Total wage arrears in the country rose during the year through September 1 to 3.6 billion hryvnias (\$97.6 million). The majority of wage arrears occurred in the Luhansk and Donetsk Oblasts. The Independent Trade Union of Miners of Ukraine reported that arrears in the coal sector had reached almost 930 million hryvnias (\$33.2 million) in September. Arrears and corruption problems exacerbated industrial relations and led to numerous protests.

The government did not always effectively enforce labor law. In 2017 the government adopted a new procedure for state control and supervision of labor law compliance that introduces new forms and rules for oversight of labor law compliance, extends the powers of labor inspectors, amends the procedure for imposing fines for violation of labor law requirements, and introduces specific forms for exercise of control by labor inspectors, namely, inspection visits and remote inspections.

Labor inspectors may assess compliance based on leads or other information regarding possible unreported employment from public sources. This includes information the service learns concerning potential violations from other state agencies. For example, when tax authorities discover a disparity between a company's workforce and its production volumes as compared to average data for the industry, they may refer the case to labor authorities who will determine compliance with labor laws.

While performing inspection visits to check potential unreported employment, labor inspectors may enter any workplace without prior notice at any hour of day or night. The law also allows labor inspectors to hold an employer liable for certain types of violations (e.g., unreported employment), empowering them to issue an order to cease the restricted activity. Labor inspectors may also visit an employer in order to monitor labor law compliance and inform the company and its employees about labor rights and best practices.

The law provides procedures for imposing fines for violation of labor and employment laws. Municipal authorities may impose fines for labor law violations. In addition, the authority imposing a fine need not be affiliated with Labor Service. For example, a report from an onsite tax audit that reveals labor law violations may result in a fine.

In September the Cabinet of Ministers approved regulation #649, increasing regulatory oversight to monitor and counter “shadow” employment in the informal economy, the widespread practice of paying for labor without an existing employment contract. The regulation compels the State Labor Service, the State Fiscal Service, the State Pension Fund, and the National Police to review their internal regulations to introduce stricter control measures to combat shadow employment. Agencies are also required to conduct public awareness campaigns to inform employers of the new procedures.

Penalties for violations workplace safety standards ranged from 510 to 1,700 hryvnias (\$19 to \$63), which were insufficient to deter violations. The State Labor Inspectorate was responsible for enforcing labor laws. Inspectors were limited in number, funding, and authority to enforce existing regulations. The absence of a coordination mechanism with other government bodies was also significant. Penalties established for undeclared work, wage arrears, and work-hour violations included fines of 50 to 100 tax-free minimum incomes that could reach 111,690 hryvnias (\$4,000). Additional penalties included limitations on the right to occupy positions of responsibility or to engage in some activities for three to five years, correctional labor for up to two years, or arrest for up to six months if the actions committed affected a minor or a pregnant woman.

Labor inspections occurred at a company’s request or upon the formal request of the investigator in the framework of criminal proceedings against a company.

Mineworkers, particularly in the illegal mining sector, faced serious safety and health problems. Operational safety problems and health complaints were common. Lax safety standards and aging equipment caused many injuries on the job. Over the first eight months of the year, authorities reported 2,725 individual injuries, including 254 fatalities; 474 injuries to coal miners, including 14 fatalities; 333 injuries in the agro-industrial sector, including 39 fatalities; and 225 injuries in engineering, including 14 fatalities.

Despite Russian aggression close to industrial areas in the government-controlled areas of the Donbas region, enterprises involved in mining, energy, media, retail,

clay production, and transportation continued to operate. Fighting resulted in damage to mines and plants through loss of electricity, destroyed transformers, physical damage from shelling, and alleged intentional flooding of mines by combined Russia-led forces. Miners were especially vulnerable, as loss of electrical power could strand them underground. The loss of electrical power also threatened the operability of mine safety equipment that prevented the buildup of explosive gases.

## CRIMEA

*In February 2014 Russian forces entered Ukraine’s Crimean Peninsula and occupied it militarily. In March 2014 Russia announced the peninsula had become part of the Russian Federation following a sham referendum that violated Ukraine’s constitution. The UN General Assembly’s Resolution 68/262 on the “Territorial Integrity of Ukraine” of March 27, 2014, and Resolution 73/263 on the “Situation of Human Rights in the Autonomous Republic of Crimea and the City of Sevastopol (Ukraine)” of December 22, 2018, called on states and international organizations not to recognize any change in Crimea’s status and affirmed the commitment of the United Nations to recognize Crimea as part of Ukraine. In April 2014 Ukraine’s legislature (Verkhovna Rada) adopted a law attributing responsibility for human rights violations in Crimea to the Russian Federation as the occupying state. The United States does not recognize the attempted “annexation” of Crimea by the Russian Federation. Russian law has been applied in Ukraine’s Crimea since the Russian occupation and purported “annexation” of the peninsula. For detailed information on the laws and practices of the Russian Federation, see the Country Reports on Human Rights for Russia.*

## EXECUTIVE SUMMARY

A local authority installed by the Russian government and led by Sergey Aksyonov as “prime minister” of the “state council of the republic of Crimea” administers occupied Crimea. The “state council” is responsible for day-to-day administration and other functions of governing. In 2016 Russia’s nationwide parliamentary elections included seats allocated for purportedly annexed Crimea, a move widely condemned by the international community and that contravened the Ukrainian constitution.

Russian authorities maintained control over Russian military and security forces deployed in Crimea. Russian security services continued to consolidate control over Crimea and restrict human rights. Occupation authorities imposed and

disproportionately applied repressive Russian Federation laws on the Ukrainian territory of Crimea.

Human rights issues included: disappearances; torture, including punitive psychiatric incarceration; mistreatment of persons in detention as punishment or to extort confessions; harsh prison conditions and removing prisoners to Russia; arbitrary arrest and detention; political prisoners; pervasive interference with privacy; severe restrictions on freedom of expression and the media, including closing outlets and violence against journalists; restrictions on the internet, including blocking websites; gross and widespread suppression of freedom of assembly; severe restriction of freedom of association, including barring the Crimean Tatar Mejlis; restriction of freedom of movement and on participation in the political process; systemic corruption; and systemic discrimination against Crimean Tatars and ethnic Ukrainians.

Russian-installed authorities took few steps to investigate or prosecute officials or individuals who committed human rights abuses, creating an atmosphere of impunity and lawlessness. Occupation and local “self-defense” forces often did not wear insignia and committed abuses with impunity.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

Russian occupation authorities did not adequately investigate cases of abductions and killings of Crimean residents from 2014 and 2015. According to the Ukrainian Ministry of Foreign Affairs, 12 Crimean residents who had disappeared during the occupation were later found dead. Occupation authorities did not investigate other suspicious deaths and disappearances, occasionally categorizing them as suicide. Human rights observers reported that families frequently did not challenge findings in such cases due to fear of retaliation.

### **b. Disappearance**

There were reports of abductions and disappearances by occupation authorities. For example, according to the UN Human Rights Monitoring Mission in Ukraine (HRMMU), a Kharkiv resident disappeared at the Russian Federation-controlled side of the administrative boundary on April 11. The Federal Security Service (FSB) initially detained the victim without charge. Documents reviewed by the

HRMMU indicated further formalized detention of the victim for 12 days, allegedly for committing an administrative offense. On the day when he was supposed to be released, he disappeared again. Despite efforts of relatives and human rights defenders to inquire about the whereabouts of the victim, the law enforcement and penitentiary institutions in Crimea failed to provide any information.

According to September data by the HRMMU, from 2014 to June 30, 2018, 42 persons were victims of enforced disappearances. The victims (38 men and four women) include 27 ethnic Ukrainians, nine Crimean Tatars, four Tajiks, one person of mixed Tatar-Russian origins, and one Uzbek. Twenty-seven were released after being illegally detained for periods lasting from a few hours to two weeks; 12 were missing and feared dead by their relatives; two were held in custody; and one was found dead. According to the HRMMU, in none of these cases have the perpetrators been brought to justice. Russian occupation authorities did not adequately investigate the deaths and disappearances. Human rights groups reported that police often refused to register reports of disappearances and intimidated and threatened with detention those who tried to report a disappearance. Ukrainian government and human rights groups believed Russian security forces kidnapped the individuals for opposing Russia's occupation to instill fear in the population and prevent dissent.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

There were widespread reports Russian authorities in Crimea tortured and otherwise abused residents who opposed the occupation. Human rights monitors reported that Russian occupying forces subjected Crimean Tatars and ethnic Ukrainians in particular to physical abuse. For example, on June 28, members of the Russian Federal Security Service (FSB) searched Crimean Tatar activist Akhtem Mustafayev's house and detained him. FSB officers put a plastic bag over his head and brought him to the basement of an unknown building. Unknown men beat him, forced him to his knees with his hands cuffed behind his back, and threatened that no one would ever find him. He was reportedly tortured for four hours and immediately fled for mainland Ukraine after being released.

Occupation authorities demonstrated a pattern of using punitive psychiatric incarceration as a means of pressuring detained individuals. On June 28, occupation authorities committed Crimean Tatar journalist Nariman Memedinov to a psychiatric hospital for a mental health evaluation that human rights advocates

believed to be a punitive measure in retaliation for his vocal opposition to the occupation. Memedinov had previously been arrested on March 22 on terrorism charges that were widely considered to be politically motivated. The charges were based on videos he posted on YouTube in 2013 in which authorities alleged he recruited people to join Hizb ut-Tahrir, a group that is banned in Russia but legal in Ukraine. According to the Crimean Human Rights Group, as of early October, 17 Crimean Tatar defendants had been subjected to psychiatric evaluation and confinement against their will without apparent medical need since the beginning of the occupation (see section 1.d.).

Human rights monitors reported that occupation authorities also threatened individuals with violence or imprisonment if they did not testify in court against individuals authorities believed were opposed to the occupation.

### **Prison and Detention Center Conditions**

Prison and detention center conditions reportedly remained harsh and life threatening due to overcrowding and poor conditions.

Physical Conditions: The HRMMU reported that detainees were often held in conditions amounting to cruel, inhuman, or degrading treatment, and that health care in prisons deteriorated after the occupation began.

According to the Crimean Human Rights group, 31 Crimean prisoners had been transferred to the Russian Federation since occupation began in 2014. One factor in the transfers was the lack of specialized penitentiary facilities in Crimea, requiring the transfer of juveniles, persons sentenced to life imprisonment, and prisoners suffering from serious physical and mental illnesses.

According to the Crimean Human Rights Group, at least four persons, including two Crimean Tatars, died under suspicious circumstances in the Simferopol pretrial detention center in April. On April 6, Server Bilialov and Oleg Goncharov were allegedly found hanged. On April 12, Dmitriy Shaposhnik was found hanged in a punishment cell. On April 13, Islam Iskerov was found with his throat slit in an isolation cell. The Federal Penitentiary Service Department of Russia officially confirmed three of the deaths; occupation authorities, however, did not open an investigation.

There were reports of physical abuse by prison guards. For example, on July 20, more than 70 convicts at the Kerch Penal Colony Number Two filed a complaint

with prison authorities alleging systematic severe beatings and other forms of abuse at the facility. The occupation authorities' appointed "human rights ombudsman," Lyudmila Lubina, who was generally not considered to provide independent oversight of government actions, called the treatment of prisoners at the colony "barbaric."

In June Crimean Tatar detainee Izmail Ramazanov filed a complaint with the European Court of Human Rights alleging inhuman conditions at the Simferopol pretrial detention center, citing overcrowding, cells covered in mold, the housing of prisoners with tuberculosis with healthy prisoners, and poor ventilation and sanitation. The HRMMU reported that detainees in the facility had to sleep in shifts due to overcrowding.

Prison authorities reportedly retaliated against detainees who refused Russian Federation citizenship by placing them in smaller cells or in solitary confinement.

Independent Monitoring: Occupation authorities did not permit monitoring of prison or detention center conditions by independent nongovernmental observers or international organizations. Occupation authorities permitted the "human rights ombudsman," Lyudmila Lubina, to visit prisoners, but human rights activists regarded Lubina as representing the interests of occupation authorities and not an independent actor.

#### **d. Arbitrary Arrest or Detention**

##### **Role of the Police and Security Apparatus**

Russian government agencies, including the Ministry of Internal Affairs, the FSB, the Federal Investigative Committee, and the Office of the Prosecutor General applied and enforced Russian law in Crimea. The FSB also conducted security, counterintelligence, and counterterrorism activities and combatted organized crime and corruption. A "national police force" operated under the aegis of the Russian Ministry of Internal Affairs.

In addition to abuses committed by Russian forces, "self-defense forces"--largely consisting of former Ukrainian Ministry of Internal Affairs officers allegedly linked to local organized crime--reportedly continued to operate and commit abuses. These forces often acted with impunity in intimidating perceived occupation opponents and were involved in extrajudicial detentions and arbitrary confiscation of property. The HRMMU cited the FSB as the most common

perpetrator of abuses in recent years, while Crimean “self-defense forces” committed most abuses in the earlier years of the occupation.

According to human rights groups, there was total impunity for human rights abuses committed by both Russian occupation authorities and Crimean “self-defense forces.”

### **Arrest Procedures and Treatment of Detainees**

See the *Country Reports on Human Rights* for Russia for a description of the relevant Russian laws and procedures that the Russian government applied and enforced in occupied Crimea.

Arbitrary Arrest: Arbitrary arrests continued to occur as a means of instilling fear, stifling opposition, and inflicting punishment on those who opposed the occupation. According to the HRMMU, in many cases victims were neither charged nor tried but were detained as a form of extrajudicial punishment or harassment. Detention under such circumstances usually lasted from several hours to several days, in which victims were often held incommunicado and sometimes subjected to abuse during interrogations. The HRMMU noted the prevalence of members of the Crimean Tatar community among those apprehended during police raids. Detainees were typically taken to a police station, photographed, fingerprinted, and made to provide DNA samples before being released. For example on January 25, authorities raided Crimean Tatar homes in several cities. During the raids, they arrested two Crimean Tatar activists, Enver Krosh and Ebazer Islyamov, and charged them with “propagating extremist symbols and organizations,” charges rights groups described as baseless.

There were reports that authorities arbitrarily arrested the family members of known dissidents to exert pressure on them. For example, on July 19, representatives of the FSB searched the house of the Aliev family. Their target was the daughter of Muslim Aliev, a political prisoner. The FSB brought her to the Investigative Committee in Alushta for interrogation and released her after a couple of hours.

On November 25, Russian authorities fired on and seized three Ukrainian naval ships and 24 crew attempting legally to transit the Kerch Strait. The crewmembers were brought to Kerch Prison, Crimea and then Lefortovo detention center in Moscow, where they subsequently asserted their rights to detainee status under the

Geneva Convention of 1949. Russia treated them instead as criminals; a Simferopol “court” sentenced them to two months’ detention.

### **e. Denial of Fair Public Trial**

Under the Russian occupation regime, the “judiciary” was neither independent nor impartial. Judges, prosecutors, and defense attorneys were subject to political directives from occupation authorities, and the outcomes of trials appeared predetermined by government interference. The HRMMU documented 39 cases between September 2017 and June where due process and fair trial guarantees were disregarded by Crimea occupation authorities, including judges, prosecutors, investigators, police, and FSB officers.

### **Trial Procedures**

See the *Country Reports on Human Rights* for Russia for a description of the relevant Russian laws and procedures that the Russian government applied and enforced in occupied Crimea.

Occupation authorities interfered with defendants’ ability to access an attorney. For example on May 4, FSB officers detained five crewmen of a Ukrainian fishing boat near the coast of Crimea for a month and a half under inhuman conditions at the FSB border control facility in Balaklava. During their detention, the men did not have access to a Ukrainian consul or lawyers. FSB officers psychologically pressured and intimidated the men during interrogations. The crew did not have access to lawyers. The vessel’s captain, Viktor Novitsky, was charged with “illegal extraction of marine biological resources in the exclusive economic zone of the Russian federation.” No charges were filed against the other members of the crew. On September 30, they were released and left Crimea.

According to the HRMMU defendants facing terrorism or extremism-related charges were often pressured into dismissing their privately hired lawyers in exchange for promised leniency. For example the HRMMU’s September report on Crimea described three Crimean Tatar defendants who cancelled a contract with their lawyers after being prompted to do so by FSB officers and warned, through their family members, that having “pro-Ukrainian” lawyers would damage their defense.

Occupation authorities retroactively applied Russian Federation laws to actions that took place before the occupation began. The HRMMU documented at least 10

such cases since September 2017, including sentences imposed for years-old social media posts and for taking part in protest actions that occurred before the occupation began.

### **Political Prisoners and Detainees**

Human Rights advocates estimated there were more than 60 political prisoners in occupied Crimea; the Crimean Tatar Mejlis organization claimed that by the end of the year Russia held 96 Ukrainian citizen political prisoners, of whom 63 were Crimean Tatar. Charges of extremism, terrorism, or violation of territorial integrity were particularly applied to opponents of the occupation, such as Crimean Tatars, independent journalists, and individuals expressing dissent on social media. The HRMMU noted that justifications underpinning the arrests of alleged members of “terrorist” or “extremist” groups often provided little evidence that the suspect posed an actual threat to society by planning or undertaking concrete actions.

Russian occupation authorities also transferred Crimean cases to Russia’s legal system and changed the venue of prosecution for some detainees.

On July 5, an occupation “court” in Crimea sentenced Ukrainian activist Volodymyr Balukh to five years in a penal colony and imposed a fine of 10,000 rubles (\$170). The five-year sentence was the combination of a previous three year, five month sentence imposed on him in January for supposed “weapons possession,” plus additional time for allegedly “disrupting the activities of a detention center.” The January conviction resulted from a retrial after his October 2017 conviction on the same charges was overturned. Both charges were seen as retaliation for Balukh’s pro-Ukrainian views, which he displayed by hanging a plaque and Ukrainian flag in the courtyard of his house. The FSB initially detained Balukh in 2016, claiming it found ammunition and explosives in the attic of his house. Human rights defenders asserted that the material was planted. Balukh had been repeatedly threatened by authorities to remove pro-Ukrainian symbols or face prosecution. On March 19, Balukh went on a hunger strike, during which prison authorities denied him a medical examination, despite indications that his health was deteriorating. He ended his hunger strike on October 9, after being notified that he was to be transferred to the Russian Federation to serve his sentence.

On July 13, the “supreme court” of Crimea convicted Ukrainian citizen Yevhen Panov of plotting sabotage against Crimea’s military facilities and critical infrastructure. He was sentenced to eight years in a high-security penal colony. Occupation authorities arrested Panov in August 2016. According to human rights

groups, the case against Panov bore signs of political motivation, including indications that Panov had been subjected to electric shocks and other forms of torture in an attempt to coerce his confession and a lack of other evidence against him.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

See the *Country Reports on Human Rights* for Russia for a description of the relevant Russian laws and procedures that the Russian government applied and enforced in occupied Crimea.

Occupation authorities and others engaged in electronic surveillance, entered residences and other premises without warrants, and harassed relatives and neighbors of perceived opposition figures.

Russian occupation authorities routinely conducted raids on homes to intimidate the local population, particularly Crimean Tatars and ethnic Ukrainians, ostensibly on the grounds of searching for weapons, drugs, or “extremist literature.” The HRMMU documented 38 such searches between January and June; 30 of these concerned properties of Crimean Tatars.

Human rights groups reported that Russian authorities had widespread authority to tap telephones and read electronic communications and had established a network of informants to report on suspicious activities. According to Mejlis members, Russian authorities had invited hundreds of Crimean Tatars to “interviews” where authorities played back the interviewees’ telephone conversations and read their email aloud. Authorities reportedly encouraged state employees to inform on their colleagues who might oppose the occupation. According to human rights advocates, eavesdropping and visits by security personnel created an environment in which persons were afraid to voice any opinion contrary to the occupation authorities, even in private.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

See the *Country Reports on Human Rights* for Russia for a description of the relevant Russian laws and procedures that the Russian government applied and enforced in occupied Crimea.

Occupation authorities significantly restricted freedom of expression and subjected dissenting voices including the press to harassment and prosecution. They refused to register independent print and broadcast media outlets, forcing them to cease operations. Threats and harassment against international and Ukrainian journalists were common.

Freedom of Expression: The HRMMU noted that occupation authorities placed “excessive limitations on the freedoms of opinion and expression.” Individuals could not publicly criticize the Russian occupation without fear of reprisal. Human rights groups reported the FSB engaged in widespread surveillance of social media, telephones, and electronic communication and routinely summoned individuals for “discussions” for voicing or posting opposition to the occupation.

During the year human rights monitors observed an increase in prosecutions and convictions for opinions expressed in social media posts, at times for posts that were written before Russia began its occupation of Crimea. For example, on May 4, a court in Sevastopol sentenced Ihor Movenko to two years in a minimum security prison for commenting on a social network that “Crimea is Ukraine.”

There were reports that authorities detained individuals for “abusing” the Russian flag or other symbols of the Russian occupation. For example on July 26, the FSB raided the homes of four Crimean Tatar teenagers in Belogorsk District after the youth allegedly removed the Russian flag from the city hall in the village of Kurskoye and threw it into a pit latrine. During the raids two residents of the homes were detained for interrogation and then released.

Press and Media Freedom: Independent print and broadcast media could not operate freely. Occupation authorities refused to register most independent media outlets, forcing them to close in 2015. According to the Crimean Human Rights Group, after the occupation of Crimea began, many local journalists left Crimea or abandoned their profession. With no independent media outlets left in Crimea and professional journalists facing serious risks for reporting from the peninsula, public activists began reporting on developments in Crimea. The HRMMU noted in a September report on Crimea that there was “continued interference in journalistic activity and a lack of independent reporting.”

The small monthly Ukrainian language newsletter *Krymsky Teren*, published by the Ukrainian Cultural Center, suspended publication on June 30 after members of the center and their publishing house were warned not to engage in “extremist

activities” and threatened. In early December the newsletter resumed publication. On August 29, FSB agents searched the apartment of the editor of *Krymsky Teren*, Olha Pavlenko, whom they claimed had ties to a Ukrainian nationalist organization. After the search authorities interrogated Pavlenko and confiscated and copied her cell phone and computer. On September 2, she left for mainland Ukraine, citing fears for her safety.

Violence and Harassment: There were numerous cases of Russian security forces or police harassing independent media and detaining journalists in connection with their professional activities. For example, the HRMMU’s September report described an interview with an undercover reporter monitoring trials of Crimean Tatars accused of terrorism, who was questioned by police about his journalistic activity. He was “warned” about the consequences of “wandering around” court hearings and released after writing an explanatory note.

There were reports that authorities failed to investigate violence against journalists. For example, on February 1, journalist Evgeniy Gaivoronskiy reported that an unknown assailant had pushed him to the ground and kicked him multiple times in the center of Yalta. Gaivoronskiy had been receiving threats for several months before the attack. According to press reports, Gaivoronskiy had a history of employment at pro-Russian publications, but he had recently come into conflict with a local real estate developer, Dmitriy Tiukayev, because of his critical reporting on Tiukayev’s building projects. Gaivoronskiy reported the attack to police but said they refused to open an investigation.

Censorship or Content Restrictions: Following Russia’s occupation of Crimea, journalists overwhelmingly resorted to self-censorship to continue reporting and broadcasting.

There were reports that media outlets were pressured to remove stories that angered powerful political figures. According to press reports on September 23, local Feodosiya newspaper *Gorod-24* published a report about a luxury construction project that fit the description of a home being built for Dmitry Kiselyov, head of the government-owned media agency. According to the article’s author, authorities forced the newspaper’s editor to purchase all printed copies of the paper at her own expense and then arranged her firing. Kiselyov filed a complaint with police, claiming the journalist was engaging in an extortion attempt.

Russian occupation authorities banned most Ukrainian and Crimean Tatar-language broadcasts, replacing the content with Russian programming. According to Crimean Human Rights Group media monitoring, during the year occupation authorities began to jam the signal of four previously accessible Ukrainian radio stations by transmitting Russian radio stations at the same frequencies.

Human rights groups reported Russian authorities forbade songs by Ukrainian singers from playing on Crimean radio stations.

Censorship of independent internet sites became more widespread (see Internet Freedom).

National Security: Authorities cited laws protecting national security to justify retaliation against opponents of Russia's occupation.

The Russian Federal Financial Monitoring Service (RosFinMonitoring) included prominent critics of the occupation on its list of extremists and terrorists. This prevented these individuals from holding bank accounts, using notary services, and conducting other financial transactions. On September 6, RosFinMonitoring added the names of five critics of the occupation to the list, including Larisa Kitaiska, a local businesswoman convicted of extremism for making comments critical of the occupation that authorities deemed "Russophobic."

Authorities frequently used the threat of "extremism" or "terrorism" as grounds to justify raids, arrests, and prosecutions of individuals in retaliation for their opposition to the occupation. For example on May 21, Russian security forces raided the houses of Crimean Solidarity activists and bloggers Server Mustafayev and Edem Smailov in Bakhchisaray District and detained them. As of late September, both remained in detention and had been charged with participating in the activities of the Islamic group Hizb ut-Tahrir, which is banned in Russia but legal in Ukraine. Human rights monitors believed that the case against them was politically motivated.

### **Internet Freedom**

Russian occupation authorities restricted free expression on the internet by imposing repressive laws of the Russian Federation on Crimea (see section 2.a. of the *Country Reports on Human Rights* for Russia). Security services routinely monitored and controlled internet activity to suppress dissenting opinions.

According to media accounts, occupation authorities interrogated residents of Crimea for posting pro-Ukrainian opinions on Facebook or in blogs.

More than 30 Ukrainian online outlets were among the hundreds that Russian federal authorities blocked in Crimea, including several sites that were not on Russian federal internet block list.

### **Academic Freedom and Cultural Events**

Russian authorities in Crimea engaged in a widespread campaign to suppress the Crimean Tatar and Ukrainian languages. While Crimean Tatar and Ukrainian are official languages in occupied Crimea, authorities continued to reduce instruction in schools and offered the languages only as optional instruction at the end of the school day. The Mejlis reported authorities continued to pressure Crimean Tatars to use the Cyrillic, rather than the Latin, alphabet.

Despite an April 2017 order by the International Court of Justice to ensure access to education in Ukrainian, there was only one Ukrainian school with Ukrainian as a language of instruction and 13 classes offered Ukrainian as a subject in the curriculum. According to occupation authorities, there were 16 Crimean Tatar schools in the peninsula in the 2017-2018 academic year as compared with 52 in the 2014-2015 academic year. The Crimean Tatar Resource Center reported, however, that this number was substantially inflated.

### **b. Freedoms of Peaceful Assembly and Association**

#### **Freedom of Peaceful Assembly**

See the *Country Reports on Human Rights* for Russia for a description of the relevant Russian laws and procedures that the Russian government applied and enforced in occupied Crimea.

Individuals opposing the occupation reported widespread harassment and intimidation by occupation authorities to suppress their ability to assemble peacefully. For example, the press reported on October 11 that authorities in Armyansk had issued a warning to a local resident, Yekaterina Pivovar, not to violate laws governing public protests. Pivovar had allegedly been planning to organize a group of local mothers to assemble outside city hall to demand a meeting with local officials. The mothers were concerned about the impact of

toxic sulfur dioxide gas being released since late August from a nearby titanium plant on the health of their children.

A 2017 regulation limits the places in Crimea where public events may be held to 366 listed locations. The HRMMU noted that the “regulation” restricted freedom of assembly to a shrinking number of “specially designated spaces,” an unnecessary move that appeared “designed to dissuade the exercise of the right of freedom of assembly.”

Authorities fined individuals for conducting single-person pickets, the only type of protest that is supposed to be permitted without official permission under the legal system that Russia has imposed on occupied Crimea. According to the HRMMU, between December 2017 and March, occupation “courts” fined 80 Muslim men, who had conducted single-person pickets in October 2017 to protest the arrests of other Muslim men, mostly Crimean Tatars, for alleged membership in terrorist or extremist organizations.

There were reports of occupation authorities using coercive methods to provide for participation at rallies in support of the “government.” Students, teachers and civil servants were forced to attend a commemoration event on the day of deportation of the Crimean Tatars organized by Crimean-occupation authorities in Simferopol on May 18.

There were reports that occupation authorities charged and fined individuals for allegedly violating public assembly rules in retaliation for gathering to witness security force raids on homes.

### **Freedom of Association**

See the *Country Reports on Human Rights* for Russia for a description of the relevant Russian laws and procedures that the Russian government applied and enforced in occupied Crimea.

Occupation authorities broadly restricted freedom of association for individuals that opposed the occupation. For example, there were numerous reports of authorities taking steps to harass, intimidate, arrest, and imprison members of the human rights group Crimean Solidarity, an unregistered movement of friends and family of victims of repression by occupation authorities. Two of the group’s leaders, Emir-Usain Kuku and Server Mustafayev, remained in pretrial detention as of November on charges of allegedly belonging to the Islamic organization Hizb

ut-Tahrir. Human rights monitors believed the cases against both men to be politically motivated and without basis. On January 27, law enforcement officers in Sudak disrupted a Crimean Solidarity civic group meeting attended by 150 persons. Law enforcement officers allegedly searched for drugs and weapons and questioned and photographed participants at the gathering. On October 27, in Simferopol, officials from the “prosecutor general’s office” accompanied by a contingent of armed men in masks and uniformed police raided another Crimean Solidarity meeting. The officials issued formal warnings to three members of the group, whom authorities claimed were poised to violate “counterterrorism and counterextremism” legislation by purportedly planning to hold a series of single-person pickets. On October 28, occupation authorities blocked the group’s website.

The Mejlis of the Crimean Tatar people remained banned for purported “extremism” despite an order by the International Court of Justice requiring that Russian authorities “refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis.” On October 29, occupation authorities announced plans to “nationalize” the Mejlis building in Simferopol, which they had seized in 2014, by transferring it to a Muslim organization that supported the occupation. Following the 2016 ban on the Crimean Tatar Mejlis as an “extremist organization,” occupation authorities banned gatherings by Mejlis members and prosecuted individuals for discussing the Mejlis on social media (see section 6).

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

Russian occupation authorities did not respect rights related to freedom of movement and travel.

In-country Movement: Occupation authorities maintained a state border at the administrative boundary between mainland Ukraine and Crimea. According to the HRMMU, this border and the absence of public transportation between Crimea and mainland Ukraine continued to undermine freedom of movement to and from the peninsula, affecting mainly the elderly, people with limited mobility, and young children.

There were reports occupation authorities selectively detained and at times abused persons attempting to enter or leave Crimea. According to human rights groups, Russian authorities routinely detained adult men at the administrative boundary for additional questioning, threatened to seize passports and documents, seized telephones and memory cards, and questioned them for hours. For example, according to the HRMMU, on March 8, the FSB detained a Crimean Tatar man for 12 hours and subjected him to physical violence in order to force him to testify against Crimean Tatar acquaintances suspected of being members of “radical” Muslim groups.

Occupation authorities prohibited entry into Crimea by Mustafa Jemilev and Refat Chubarov, members of the Verkhovna Rada, and the former and current chairmen of the Crimean Tatar Mejlis, respectively; by Crimean Tatar activist Sinaver Kadyrov; and by Ismet Yuksel, general director of the Crimean News Agency, on the pretext that they would incite radicalism.

According to the HRMMU, Ukrainian legislation restricts access to Crimea to three designated crossing points and imposes sanctions, including long-term entry bans, in case of noncompliance. Crimean residents lacking Ukrainian passports, who only possess Russian-issued Crimean travel documents not recognized by Ukrainian authorities, often faced difficulties when crossing into mainland Ukraine.

Citizenship: Russian occupation authorities required all residents of Crimea to be Russian citizens. Those who refused Russian citizenship could be subjected to arbitrary expulsion. Multiple citizens of Ukraine were deported from Crimea for violating the Russian Federation’s immigration rules. According to the Crimean Human Rights Group, during the first four years of Russia’s occupation, over 2,000 Ukrainians were prosecuted for not having Russian documents and 336 persons have been deported.

On February 13, the Yevpatoria city court ruled against 23 citizens of Ukraine. They were fined 5,000 Russian rubles (\$76) each and administratively expelled to mainland Ukraine for working without a labor license.

Residents of Crimea who chose not to adopt Russian citizenship were considered foreigners. In some cases, they could obtain a residency permit. Persons holding a residency permit without Russian citizenship, however, were deprived of key rights and could not own agricultural land, vote or run for office, register a

religious congregation, or reregister a private vehicle. Authorities denied those who refused Russian citizenship access to government employment, education, and health care, as well as the ability to open bank accounts and buy insurance, among other limitations.

According to the Crimean Human Rights Group, Russian authorities prosecuted private employers who continued to employ Ukrainians. Fines could be imposed on employers for every recorded case of employing a Ukrainian citizen without a labor license. Fines in such cases amounted to several million dollars.

In some cases, authorities compelled Crimean residents to surrender their Ukrainian passports, complicating international travel, because many countries did not recognize passports issued by Russian occupation authorities.

### **Internally Displaced Persons (IDPs)**

Approximately 27,600 residents of Crimea registered as IDPs on the mainland, according to the Ministry of Social Policy. The Mejlis and local NGOs, such as Krym SOS, believed the actual number could be as high as 100,000, as most IDPs remained unregistered. Many individuals fled due to fear that occupation authorities would target them for abuse because of their work as political activists or journalists. Muslims, Greek Catholics, and Evangelical Christians who left Crimea said they feared discrimination due to their religious beliefs.

Crimean Tatars, who made up the largest number of IDPs, said they were concerned about pressure on their community, including an increasing number of arbitrary searches of their homes, surveillance, and discrimination. In addition, many professionals left Crimea because Russian occupation authorities required them to apply for Russian professional licenses and adopt Russian procedures in their work.

### **Section 3. Freedom to Participate in the Political Process**

Recent Elections: Russian occupation authorities prevented residents from voting in Ukrainian national and local elections since Crimea's occupation began in 2014.

On March 18, the Russian Federation held presidential election and included the territory of occupied Crimea. The Crimea Human Rights Group recorded incidents in which occupation authorities coerced residents into voting in the elections, including through threats of dismissals and wage cuts.

HRMMU reported pressure on public sector employees to vote in order to ensure high turnout. Some voters stated their employers required them to photograph themselves at the polling station as evidence of their participation. For example the Crimean Human Rights Group reported that in the Krasnoperekopsk district three days before the election, teachers were instructed to report to the principal that they and their family members voted. On voting day, teachers received phone calls from the principal threatening termination of employment if they did not vote.

#### **Section 4. Corruption and Lack of Transparency in Government**

Corruption: There were multiple reports during the year of systemic rampant corruption among Crimean “officeholders,” including through embezzlement of Russian state funds allocated to support the occupation. For example on October 17, Russian police in Moscow arrested Vitaliy Nakhlyupin, the “deputy prime minister” of Crimea, and charged him with taking unspecified bribes, reported by media to be related to the construction of the Kerch bridge and other road construction projects.

#### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Most independent human rights organizations ceased activities in Crimea following Russia’s occupation. Occupation authorities refused to cooperate with independent human rights NGOs, ignored their views, and harassed human rights monitors and threatened them with fines and imprisonment.

Russia continued to deny access to the peninsula to international human rights monitors from the Organization for Security and Cooperation in Europe (OSCE) and the United Nations.

#### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

##### **Children**

Birth Registration: Under both Ukrainian law and laws imposed by Russian occupation authorities, either birthplace or parentage determines citizenship. Russia’s occupation and purported annexation of Crimea complicated the question of citizenship for children born after February 2014, since it was difficult for parents to register a child as a citizen with Ukrainian authorities. Registration in

Ukraine required a hospital certificate, which is retained when a birth certificate is issued. Under the occupation regime, new parents could only obtain a Russian birth certificate and did not have access to a hospital certificate. In 2016 the Ukrainian government instituted a process whereby births in Crimea could be recognized with documents issued by occupation authorities.

Institutionalized Children: There were reports Russian authorities continued to permit kidnapping of orphans in Crimea and transporting them across the border into Russia for adoption. Ukraine's government did not know the whereabouts of the children.

### **Anti-Semitism**

According to Jewish groups, an estimated 10-15,000 Jews lived in Crimea, primarily in Simferopol. There were no reports of anti-Semitic acts.

### **National/Racial/Ethnic Minorities**

Since the beginning of Russia's occupation, authorities singled out Crimean Tatars and Ukrainians for discrimination, abuse, deprivation of civil liberties and religious and economic rights, and violence, including killings and abductions (also see sections 1.a.-1.d., 1.f., 2.a., 2.b., and 2.d.).

There were reports that government officials openly advocated discrimination and violence against Crimean Tatars. Occupation authorities harassed Crimean Tatars for speaking their language in public and forbade speaking it in the workplace. There were reports teachers prohibited schoolchildren from speaking Crimean Tatar to one another. Crimean Tatars were prohibited from celebrating their national holidays and commemorating victims of previous abuses. For example on May 17, occupation authority law enforcement officers detained 14 persons who had gathered for an event commemorating victims of the Crimean Tatar deportation from Simferopol in 1944.

Occupation authorities also restricted the use of Crimean Tatar flags and symbols.

Occupation authorities placed restrictions on the Spiritual Administration of Crimean Muslims, which was closely associated with Crimean Tatars. According to human rights groups, Russian security services routinely monitored prayers at mosques for any mention that Crimea remained part of Ukraine. Russian security

forces also monitored mosques for anti-Russian sentiment and as a means of recruiting police informants.

In April 2017 the International Court of Justice ruled, in response to Ukraine's January 17 request for provisional measures concerning the *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of all Forms of Racial Discrimination*, that the Russian Federation must refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis. Nevertheless, Russian occupation authorities continued to ban the Mejlis and impose restrictions on Crimean Tatars.

Russian occupation authorities also targeted ethnic Ukrainians. By the end of 2014, Ukrainian as a language of instruction was removed from university-level education in Crimea. According to the HRMMU, in the 2017-2018 academic year instruction in Ukrainian was provided in one Ukrainian school and there were 13 available Ukrainian language classes in Russian schools that were attended by 318 children. In April 2017 the International Court of Justice ruled on provisional measures in proceedings brought by Ukraine against the Russian Federation, concluding unanimously that the Russian Federation must "ensure the availability of education in the Ukrainian language."

Occupation authorities have not permitted churches linked to ethnic Ukrainians, in particular the Ukrainian Orthodox Church-Kyiv Patriarchate (UOC-KP) and the Ukrainian Greek Catholic Church, to register under Russian law. Occupation authorities harassed and intimidated members of the churches and used court proceedings to force the UOC-KP in particular to leave properties it had rented for years. As of June 30, the number of registered religious organizations in Crimea decreased by 45 percent in comparison with preoccupation period.

Russian occupation authorities targeted businesses and properties belonging to ethnic Ukrainians and Crimean Tatars for expropriation and seizure. On April 26, Crimean Tatar philanthropist and businessman Resul Velilyaev, an owner of a leading food wholesale company and retail network, was arrested and transferred to Lefortovo prison in Moscow on the pretext that some of his food products had exceeded their shelf-life dates. Observers believed his arrest was connected to his support for Crimean Tatar cultural heritage projects. In late September, a Moscow court extended his arrest until December 28.

Russian occupation authorities prohibited Crimean Tatars affiliated with the Mejlis from registering businesses or properties as a matter of policy.

### **Acts of Violence, Discrimination, and other Abuses Based on Sexual Orientation and Gender Identity**

Human rights groups and local LGBTI activists reported that most LGBTI individuals fled Crimea after the Russian occupation began. Those who remained live in fear of verbal and physical abuse due to their sexual orientation or gender identity.

According to HRMMU, NGOs working on access to healthcare among vulnerable groups, have found it impossible to advocate for better access to healthcare for LGBTI persons because of fear of retaliation by occupation authorities.

Russian occupation authorities prohibited any LGBTI group from holding public events in Crimea. According to HRMMU, LGBTI residents of Crimea faced difficulties with finding a safe environment for gatherings because of the overall hostile attitude towards the manifestation of LGBTI identity. In May a gay-friendly hotel closed due to continuous and unwarranted inspections, accusations of extremism, harassment by authorities, and an organized campaign of telephone threats by “city residents.” LGBTI individuals faced increasing restrictions on their right to assemble peacefully, because occupation authorities enforced a Russian law that criminalizes the so-called propaganda of nontraditional sexual relations to minors (see section 6 of the *Country Reports on Human Rights for Russia*).

### **Section 7. Worker Rights**

Russian occupation authorities announced the labor laws of Ukraine would no longer be in effect after the start of 2016 and that only the laws of the Russian Federation would apply.

Russian occupation authorities imposed the labor laws and regulations of the Russian Federation on Crimean workers, limited worker rights, and created barriers to freedom of association, collective bargaining, and the ability to strike. Trade unions are formally protected under Russian law, but limited in practice. As in both Ukraine and Russia, employers were often able to engage in antiunion discrimination and violate collective bargaining rights. The pro-Russian authorities threatened to nationalize property owned by Ukrainian labor unions in

Crimea. Ukrainians who did not accept Russian citizenship faced job discrimination in all sectors of the economy. Only holders of Russian national identification cards were allowed to work in “government” and municipal positions. Labor activists believed that unions were threatened in Crimea to accept “government” policy without question and faced considerable restrictions on advocating for their members.

Although no official data were available, experts estimated there was growing participation in the underground economy in Crimea.